



Journal of the Senate

Number 7

Wednesday, March 9, 1994

CALL TO ORDER

The Senate was called to order by the President at 10:00 a.m. A quorum present—40:

Mr. President	Dantzler	Hargrett	Meadows
Bankhead	Diaz-Balart	Holzendorf	Myers
Beard	Dudley	Jenne	Scott
Boczar	Dyer	Jennings	Siegel
Brown-Waite	Foley	Johnson	Silver
Burt	Forman	Jones	Sullivan
Casas	Grant	Kirkpatrick	Turner
Childers	Grogan	Kiser	Weinstein
Crenshaw	Gutman	Kurth	Wexler
Crist	Harden	McKay	Williams

PRAYER

The following prayer was offered by Dr. Kenneth E. Claus, Senior Minister, Port Orange United Church of Christ, Port Orange:

O God, whom we name creator and redeemer in our hearts, we give you thanks for public government and the involvement of so many people of diverse origins, beliefs and races. Yet, because of our diversity, you have taught us that in spite of our various pasts we need not be fettered; we can change and that with you all things can be made new.

Remind us because of our diversity that cooperation and compromise are not values to be avoided, but in fact, may be marks of maturity and grace.

As in all public prayers make us ever mindful and sensitive to the needs of others that all the public for the public good may be served. Amen.

PLEDGE

Senate Pages, Lucia Coleman of Niceville and Erik Leavell of Palm Beach Gardens, led the Senate in the pledge of allegiance to the flag of the United States of America.

CONSIDERATION OF RESOLUTIONS

On motion by Senator Childers, by two-thirds vote **SR 2788** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Childers—

SR 2788—A resolution recognizing the 1994 Class A State Girls' Basketball Champions, the "Lady Cats" of Robert F. Munroe High School.

WHEREAS, the "Lady Cats" from Robert F. Munroe High School in Quincy have clawed their way to the top of the state girls' high-school basketball teams and are the 1994 Class A State Girls' Basketball Champions, and

WHEREAS, on February 26, 1994, at the Lakeland Civic Center, the "Lady Cats" were victorious, 39 to 36, over Graceville, and

WHEREAS, team members Tee Presnell, Emily May, Carolyn Sapp, Debra Kay Hemanes, Darla Weber, Sarah Johnson, Kim Presnell, Anna Skipper, Jill Pohto, and Macall Dyer are to be commended for their accomplishments on the basketball court, and

WHEREAS, Head Coach Susie Morris has completed her thirteenth year at Robert F. Munroe High School and has an overall record of 248 wins and 85 losses, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Robert F. Munroe High School "Lady Cats" and Head Coach Susie Morris be commended for their outstanding accomplishments in winning the 1994 Class A girls' basketball championship.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the "Lady Cats" basketball team and to Head Coach Susie Morris as a tangible token of the admiration of the Florida Senate.

—was taken up out of order by unanimous consent, read the second time in full and adopted.

SPECIAL GUESTS

The President introduced the following guests who were seated in the chamber: Les Jones, Headmaster; Joey Edwards, Athletic Director; Susie Morris, Head Coach; Kara Payne, Assistant Coach; Samantha Johnson, Assistant Coach; Carolyn Sapp, Kim Presnell, Anna Skipper, Jill Pohto, Macall Dyer, Debra Kay Hemanes, Sarah Johnson, Emily May, Tee Presnell, Darla Weber, Sarah Dyer and Lynsley Smith, team members.

Upon request of the President, the guests proceeded to the rostrum where they were presented a copy of the resolution.

On motion by Senator McKay, by two-thirds vote **SR 2758** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator McKay—

SR 2758—A resolution congratulating Mote Marine Laboratory on its achievements and recognizing March 10, 1994, as "Mote Marine Laboratory Day."

WHEREAS, Mote Marine Laboratory, located on City Island in Sarasota, was established in 1955 and is an independent, nonprofit research organization dedicated to excellence in marine and environmental sciences, and

WHEREAS, Mote Marine Laboratory is internationally recognized for the research and publications of its staff scientists, and

WHEREAS, Mote Marine Laboratory provides a center for the exchange of scientific information; hosts visiting investigators, student interns, seminars, and conferences; and accomplishes public outreach through the Marine Science Aquarium, an educational museum that provides marine programs for all ages, from school children through adult, and

WHEREAS, Mote Marine Laboratory, as one of 17 recipients of special works of art, displays a mural entitled "Whaling Wall," designed and painted by internationally known artist Wyland and exhibited on an outside wall of the new Ann & Alfred Goldstein Marine Mammal Research and Rehabilitation Center, and

WHEREAS, Mote Marine Laboratory also serves as the headquarters for the Southwest Florida Coastal Research Center, a program that promotes the development and use of scientific information for resource-management needs along the Southwest Florida coast, and

WHEREAS, the Mote Marine Laboratory also hosted the Sarasota Bay National Estuary program, a federal program that recently completed a comprehensive management plan to protect Sarasota Bay, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate recognizes March 10, 1994, as "Mote Marine Laboratory Day," and this legislative body congratulates the Mote Marine Laboratory on its numerous achievements and extends its best wishes to the staff of the laboratory who continue their research and dedication to excellence in marine and environmental sciences.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be transmitted to Mote Marine Laboratory as a tangible token of the sentiments of the Florida Senate.

—was taken up out of order by unanimous consent, read the second time in full and adopted.

On motion by Senator Forman, by two-thirds vote **SR 2720** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Forman—

SR 2720—A resolution commending The National Kidney Foundation of Florida for its service to the residents of this state.

WHEREAS, 20 million Americans suffer from kidney disease, resulting in more than 80,000 kidney-disease-related deaths annually, and

WHEREAS, The National Kidney Foundation is the major voluntary health agency seeking a cure for kidney diseases, and

WHEREAS, The National Kidney Foundation is universally recognized as a leader in research and in the effort to promote public awareness of the need for organ donors, and

WHEREAS, the volunteers and staff of The National Kidney Foundation of Florida spend countless hours working to ease the plight of dialysis patients, transplant recipients, and others suffering from kidney disease, and

WHEREAS, the month of March is acknowledged as National Kidney Month, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate commends The National Kidney Foundation of Florida and its dedicated staff and volunteers for their unselfish commitment to persons suffering from kidney disease.

BE IT FURTHER RESOLVED that the Florida Senate acknowledges and recognizes March 1994 as National Kidney Month.

—was taken up out of order by unanimous consent, read the second time in full and adopted.

On motion by Senator Jones, by two-thirds vote **SR 2650** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Jones—

SR 2650—A resolution recognizing D. Wayne Brackin for his outstanding contribution to health care in South Dade County.

WHEREAS, D. Wayne Brackin has been the Administrator of SMH Homestead Hospital, a 120-bed, full-service, not-for-profit hospital in Homestead, Florida, since June, 1989, when the hospital was purchased by the South Miami Health System, and

WHEREAS, SMH Homestead Hospital's operating performance improved dramatically during the years of his leadership, until August 1992, when the Homestead and Florida City communities it serves were devastated by Hurricane Andrew, and

WHEREAS, Mr. Brackin was named a "Health Care Hero" in 1993 for his leadership in getting SMH Homestead Hospital up and running, with full services, just 5 days after the hurricane occurred, thereby making it the only hospital functioning in the ravaged area and a major contributor to the recovery effort, and

WHEREAS, despite his being left homeless during the storm, Mr. Brackin remained at the hospital for 3 weeks, helping his employees find temporary housing; helping his physicians find temporary offices; and helping his community find food and shelter, often within the hospital itself, and

WHEREAS, during the period of recovery from Hurricane Andrew, SMH Homestead Hospital has experienced an overwhelming increase in the number of patients who cannot pay their bills, a circumstance that is challenging Mr. Brackin's efforts to keep the hospital fully operational while the community stabilizes and the economy rebuilds, and

WHEREAS, under his administration, SMH Homestead Hospital is teaming up with the Community Health Initiative to better serve the primary and emergency health care needs of migrant workers, and is facing the challenges of serving a federally designated, medically underserved area, with a disproportionate share of African-American and Hispanic citizens, and

WHEREAS, despite a bottom-line loss of \$2 million in 1993, a projected loss of \$1.5 million in 1994, and a lack of financial support from Dade County or the Public Health Trust, SMH Homestead Hospital, under the leadership of D. Wayne Brackin, continues to save lives and protect and preserve the public health, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate recognizes D. Wayne Brackin for his outstanding contribution to health care in the community of South Dade County.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to D. Wayne Brackin as a tangible token of the gratitude of the Florida Senate.

—was taken up out of order by unanimous consent, read the second time in full and adopted.

MOTION TO INTRODUCE BILL

On motion by Senator Holzendorf the rules were waived and the following bill was introduced notwithstanding the fact that the final day had passed for introduction of bills:

By Senator Holzendorf—

SB 3022—A bill to be entitled An act relating to minority-owned business enterprises; amending s. 288.703, F.S.; defining the term "certified minority-owned business enterprise"; amending s. 287.0943, F.S.; providing for a Minority-Owned Business Certification Task Force convened annually by the Advisory Council on Intergovernmental Relations; providing for the powers and duties of the task force; providing for a model interlocal agreement for the certification of minority-owned business enterprises; revising language with respect to certification; requiring all state agencies to accept certified businesses; amending s. 287.0945, F.S.; revising the powers and duties of the Minority Business Enterprise Assistance Office; amending s. 287.094, F.S.; conforming to the act; providing an effective date.

—which was referred to the Committees on Governmental Operations; International Trade, Economic Development and Tourism; and Appropriations.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Grant, by two-thirds vote **Senate Bills 1506** and **1948** were withdrawn from the committees of reference and further consideration.

On motions by Senator Beard, by two-thirds vote **SB 1416** was withdrawn from the committees of reference and further consideration.

On motions by Senator Wexler, by two-thirds vote **SB 544** and **CS for SB 1460** were withdrawn from the Committee on Finance, Taxation and Claims; and **SB 1350** was also referred to the Committee on Finance, Taxation and Claims.

On motions by Senator Boczar, by two-thirds vote **SB 318** was withdrawn from the committees of reference and further consideration.

On motions by Senator Dantzler, by two-thirds vote **SB 550** was withdrawn from the committees of reference and further consideration.

On motions by Senator Kirkpatrick, by two-thirds vote **CS for SB 2016** and **SB 2796** were withdrawn from the Committee on Appropriations, and by two-thirds vote placed on the Special Order Calendar.

On motions by Senator Kirkpatrick, by two-thirds vote **SB 1350** was withdrawn from the Committees on Rules and Calendar; and Finance, Taxation and Claims; and referred to the Committees on Finance, Taxation and Claims; and Rules and Calendar; **Senate Bills 542, 376** and **CS for SB 2458** were withdrawn from the Committee on Community Affairs; **SB 260** was withdrawn from the Committee on Governmental

Operations; **SB 1798** was withdrawn from the Committees on Judiciary; Health and Rehabilitative Services; and Appropriations; and referred to the Committees on Health and Rehabilitative Services; Judiciary; and Appropriations; **SB 2440** was withdrawn from the Committee on Criminal Justice; **SB 254** was withdrawn from the Committee on Judiciary; **CS for SB 492** was withdrawn from the Committee on Natural Resources and Conservation; **SB 2162** was withdrawn from the Committees on Finance, Taxation and Claims; and Appropriations; and referred to the Committees on Transportation; Finance, Taxation and Claims; and Appropriations; and **SB 2810** was withdrawn from the Committee on International Trade, Economic Development and Tourism.

On motions by Senator Jenne, by two-thirds vote **Senate Bills 188 and 190**, **CS for SB 200**, **CS for SB 228**, **Senate Bills 364 and 386**, **CS for SB 434**, **SB 546**, **CS for SB 612**, **Senate Bills 638, 644 and 660**, **CS for SB 1014**, **Senate Bills 1032 and 1200**, **CS for SB 1202**, **CS for SB 1222**, **Senate Bills 1238 and 1254**, **CS for SB 1326**, **SB 1388**, **CS for SB 1984** and **CS for SB 2402** were withdrawn from the Committee on Appropriations.

On motions by Senator Jenne, by two-thirds vote **SB 2796** was removed from the Special Order Calendar and by two-thirds vote referred to the Committee on Appropriations; and **SB 1782** was also referred to the Committee on Appropriations.

On motions by Senator Kirkpatrick, the rules were waived and by two-thirds vote **CS for SB 2016** was placed on the Special Order Calendar following **CS for SB 2014**.

SENATOR SCOTT PRESIDING

CONSIDERATION OF BILLS ON THIRD READING

COMMUNICATION

*The Honorable Pat Thomas, President
The Florida Senate*

March 4, 1994

Dear Mr. President:

In compliance with Article III, Section 19(d) of the Constitution and Joint Rule 2, engrossed copies of Senate Bills 2800 and 2802 have been furnished to each member of the Legislature, each member of the Cabinet, the Governor, and the Chief Justice of the Supreme Court.

Delivery was completed March 4, 1994 at 9:53 a.m.

Respectfully submitted
Joe Brown, Secretary

The Senate resumed consideration of—

SB 2800—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1994, and ending June 30, 1995, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—which was read the third time by title, having been amended on March 3.

Pending further consideration of **SB 2800** as amended, on motions by Senator Jenne, by two-thirds vote—

HB 2221—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1994, and ending June 30, 1995, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—a companion measure, was substituted for **SB 2800** and by two-thirds vote read the second time by title.

Senator Jenne moved **Amendment 1 (with Title Amendment)** which was adopted.

Pursuant to Rule 7.6, the amendment constituted an entirely new bill and was not published in the Journal.

On motion by Senator Jenne, by two-thirds vote **HB 2221** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40 Nays—None

MOTION

On motion by Senator Jenne, the rules were waived and **HB 2221** was ordered immediately certified to the House.

The Senate resumed consideration of—

SB 2802—A bill to be entitled An act relating to implementing the fiscal year 1994-1995 General Appropriations Act; providing legislative intent; providing for calculation of the statewide adjusted aggregate required local effort for all school districts from ad valorem taxes, under authority of the Commissioner of Education; providing for adjustment of the required local effort millage rate of certain districts; providing for calculation of school districts' maximum total weighted full-time equivalent student enrollment; requiring the State University System to develop a personnel system to meet certain payroll needs and informational requirements; prescribing limits on increases in financial assistance payments for private tuition assistance; authorizing the Division of Bond Finance of the State Board of Administration to refinance certain bonds; providing for a fee for serological tests required in blood samples submitted to Department of Health and Rehabilitative Services laboratories; authorizing the Executive Office of the Governor and the Chief Justice of the Supreme Court to approve certain budget changes under certain circumstances and requiring the Executive Office of the Governor and the Chief Justice to maintain an accounting of these changes and to provide this accounting to the legislative appropriations committees upon request; authorizing the Department of Health and Rehabilitative Services to use general revenue funds to extend AFDC and Medicaid benefits to certain asylum applicants; authorizing the use of unobligated discretionary capital improvement millage to fund one-time expenditures for classroom materials; providing for security at meetings of the Parole Commission; requiring a report by the Department of Health and Rehabilitative Services on specified pending class-action litigation; limiting state agency and branch actions resulting from certain contracts containing provisions for dispute resolution; providing for state universities to match funds in the Trust Fund for Eminent Scholars or the Trust Fund for Major Gifts; providing for deposit into the Health Care Trust Fund of fees assessed against selected health care facilities and used to fund the Statewide Health Council and local health councils; prohibiting the Commissioner of Education from accepting in fiscal year 1994-1995 certain applications and requests for funds for community educational facilities in order to focus the use of PECO funds on the provision of direct instruction facilities; authorizing the Department of Health and Rehabilitative Services to transfer general revenue funds to the Agency for Health Care Administration as necessary to comply with proviso requirements in the 1994-1995 General Appropriations Act; providing for reallocation of funds with respect to assessments for the Florida Casualty Insurance Risk Management Trust Fund; prescribing duties of state agencies covered by the state risk-management program with respect to funding costs for employees entitled to workers' compensation benefits; providing for indemnification of the Florida Casualty Insurance Risk Management Trust Fund; prescribing the fees for certification and certification renewal for certain educational personnel; prescribing duties of parties to a collective bargaining agreement in financial emergencies; prescribing the data to be used in disproportionate-share-program determinations; providing for extensions of any loan made to Florida International University for hurricane damage restoration; providing for use of juvenile justice appropriations as startup funding for juvenile justice facility or program purposes; authorizing the Department of State to use specified funds to operate and maintain information systems and equipment for public records access; providing for the Department of Management Services to acquire land for a regional service center; requiring the Commissioner of Education to authorize pilot projects to use an alternative method of funding exceptional student education; providing that certain appropriations for capital projects at the Florida Atlantic University, Florida State University, and the University of South Florida not revert; authorizing the Board of Regents to construct specified facilities from revenue bonds issued pursuant to s. 11(e), Art. VII of the State Constitution; providing that certain appropriations are to be used in the development of community college data bases; providing for a task force and technical advisory committee; providing for support staff; prescribing

duties with respect to data base design; prescribing guidelines for the various data bases; providing for funding existing information consortia among community colleges; requiring reports from colleges that participate in consortia and those that are independent; directing the Department of Environmental Protection to waive certain requirements and grant funds to the City of Apalachicola for a wastewater treatment facility; authorizing the Auditor General to resume routine audits of the Florida Public Service Commission; providing that certain funds appropriated for SUNTAX will not revert; providing that certain funds appropriated for contract auditing will not revert; authorizing a certain appropriation to be used for mosquito control and transferring moneys collected from waste tire fees to the Department of Agriculture and Consumer Services; authorizing the use of moneys collected from the sale of management area stamps to be used as operating funds of the Game and Fresh Water Fish Commission; transferring a sum from the Public Facilities Conversion Revolving Trust Fund to general revenue; authorizing the Department of Management Services to use certain funds to relocate an existing playground at the proposed site of the Lee Davis Regional Service Center in Tampa; directing that the Correctional Privatization Commission be housed in the Department of Legal Affairs; providing guidelines for the Department of Education with respect to contracting for the 1994 cost-of-living market basket survey; providing for construction of a specified structure at the Satellite Office Complex in Leon County with surplus funds; providing that certain moneys appropriated to the Baker and Nassau County District School Boards do not count toward total state effort required; providing that moneys in specified appropriations for educational facilities in Monroe County will not revert; providing guidelines for determining the base expenditures against which mandated reductions in Department of Management Services' salaries and benefits and other personal services budget categories must be calculated; transferring the unexpended balance of the Quincentennial Trust Fund to the Historic Preservation Trust Fund; providing for retroactive implementation of the teaching incentive programs effective with the start of the 1993-94 academic year; providing for deposit into the Center for Space Education Trust Fund of a specified amount of the Challenger license plate annual fee to be used to support operations of the Center for Space Education Technology Institute; establishing a School of Public Health of Florida Agricultural and Mechanical University; providing an appropriation to the Greater Tampa Bay Marine Advisory Council for on-line measurement of tides; requiring a study by the Intergovernmental Affairs Policy Unit in the office of the Governor with respect to refugees; providing severability; providing effective dates, including a retroactive effective date, and expiration dates.

—which was read the third time by title, having been amended on March 3.

Pending further consideration of **SB 2802** as amended, on motions by Senator Jenne, by two-thirds vote—

HB 2223—A bill to be entitled An act relating to implementing the fiscal year 1994-1995 General Appropriations Act; providing legislative intent; authorizing the Department of Health and Rehabilitative Services to use general revenue funds to extend AFDC and Medicaid benefits to certain asylum applicants; requiring quarterly reports by the Department of Health and Rehabilitative Services on specified pending class-action litigation; prescribing the method by which the Department of Health and Rehabilitative Services shall make allocations to service districts; authorizing the Department of Health and Rehabilitative Services and the Agency for Health Care Administration to transfer general revenue funds as necessary to comply with any proviso language or provision of law requiring or specifically authorizing the transfer of general revenue funds between the two agencies; providing for use of juvenile justice appropriations as startup funding for juvenile justice facility or program purposes; transferring responsibility for the state pharmaceutical contract from the Department of Management Services to the Department of Health and Rehabilitative Services; transferring a specified amount of certain funds received by the Agency for Health Care Administration to the Department of Health and Rehabilitative Services for fixed capital outlay appropriations; requiring implementation of a Medicaid Pharmacy Services Prior Authorization Program to generate savings to specified funds; providing for security at meetings of the Parole Commission; exempting the Department of Corrections from certain provisions relating to pharmacies; providing for a pilot cluster pharmacy program; providing for housing specified felony offenders in county correctional facilities; authorizing the Division of Bond Finance of the State Board of Administration to refinance certain bonds; prescribing duties of state agencies covered by the state risk management program with respect to

funding costs for employees entitled to workers' compensation benefits; providing for indemnification of the Florida Casualty Insurance Risk Management Trust Fund; authorizing the Department of State to use specified funds to operate and maintain information systems and equipment for public records access; authorizing the transfer of up to a specified amount of certain funds from the sale of management area stamps to the State Game Trust Fund for vehicle replacement; authorizing use of the Florida International Trade and Promotion Trust Fund to fund the Division of International Trade and Development of the Department of Commerce; authorizing use of the Tourism Promotional Trust Fund to fund international trade grants and international linkage institutes; authorizing use of the Cultural Institutions Trust Fund to fund matching endowments under the Fine Arts Endowment Program and the state touring program, subject to legislative appropriation; providing guidelines for determining compliance with expenditures reductions relating to creation of the Department of Management Services; providing that certain funds for contract auditing by the Division of Audits of the Department of Revenue shall not revert; providing that certain funds appropriated for the System for Unified Taxation (SUNTAX) shall not revert; transferring the balance of the Quincentennial Trust Fund to the Historic Preservation Trust Fund; authorizing the Auditor General to resume routine financial and operational audits of the Florida Public Service Commission; prohibiting the Department of Environmental Protection from seeking certain reimbursement to the Water Quality Assurance Trust Fund; providing appropriations to the Division of Cultural Affairs in the Department of State from the Cultural Institutions Trust Fund for grants to local art agencies, state service organizations, and arts in education; providing appropriations to the Division of Cultural Affairs in the Department of State from the Cultural Institutions Trust Fund; providing for calculation of the statewide adjusted aggregate required local effort for all school districts from ad valorem taxes, under authority of the Commissioner of Education; providing for adjustment of the required local effort millage rate of certain districts; providing for calculation of the maximum total weighted full-time equivalent student enrollment of each school district; providing for the implementation of ch. 90-49, Laws of Florida, relating to laboratory schools; requiring the State University System to develop a personnel system to meet certain payroll and informational system requirements; prescribing limits on increases in financial assistance payments for private tuition assistance; providing authority for state universities to match funds in the Trust Fund for Eminent Scholars or the Trust Fund for Major Gifts; prescribing the fee for certification and certification renewal for certain educational personnel; exempting certain contracts for developmental research schools from restrictions on the amount of overhead that may be allowed in a contract; providing that a specified amount of funds specifically appropriated shall be used to implement provisions relating to minority law students; transferring the Division of Blind Services of the Department of Education to the Department of Labor and Employment Security, except for the library for the blind located in Daytona Beach which is transferred to the Department of State; requiring the Department of Labor and Employment Security to review the operations and services of the blind and develop a policy for contracting those services to certain private not-for-profit community-based organizations and requiring the department to submit a report to the Governor and legislative leaders; requiring the development of a reviser's bill to conform statutes to reflect such transfers; authorizing the Department of Education to contract for the 1994 cost-of-living market basket survey; requiring fifty percent of the Challenger License Plate fee to be deposited in the Center for Space Education Trust Fund; specifying the use of such funds, including administrative costs; providing an appropriation; prohibiting the Commissioner of Education from accepting in fiscal year 1994-1995 certain applications and requests for funds for community educational facilities in order to focus the use of PECO funds on the provision of direct instruction facilities; providing that certain funds appropriated to the Holmes County and Nassau County School Boards shall not be counted toward the total state effort required; authorizing the Executive Office of the Governor and the Chief Justice of the Supreme Court to approve certain budget changes under certain circumstances and requiring the Executive Office of the Governor and the Chief Justice to maintain an accounting of these changes and to provide this accounting to the legislative appropriations committees upon request; prescribing duties of parties to a collective bargaining agreement in financial emergencies; requiring the Information Resource Commission to examine and develop recommendations to the Governor and legislative leaders for the streamlining of data centers and other computing facilities and providing for a contract therefor; exempting the Grants and Donations Trust Fund of the Information Commission from the general revenue service charge for the 1994-1995 fiscal year;

providing duties of the Comptroller with respect to certain payments to the Information Resource Commission; limiting state agency and governmental branch actions resulting from certain contracts containing provisions for dispute resolution; regarding advanced funds for Department of State; providing severability; providing effective dates, including a retroactive effective date, and expiration dates.

—a companion measure, was substituted for **SB 2802** and by two-thirds vote read the second time by title.

Senator Jenne moved the following amendment which was adopted:

Amendment 1 (with Title Amendment)—Strike everything after the enacting clause and insert:

Section 1. It is the intent of the Legislature that the implementing and administering provisions of this act apply to the General Appropriations Act for fiscal year 1994-1995.

Section 2. The Commissioner of Education shall have the authority to compute a statewide adjusted aggregate amount for required local effort for all school districts collectively from ad valorem taxes to ensure that no school district's revenue from required local effort millage will produce more than 90 percent of the district's total Florida Education Finance Program (FEFP) calculation. The commissioner shall adjust the required local effort millage rate of each district that produces more than 90 percent of its total FEFP entitlement to a level that will produce only 90 percent of its FEFP entitlement.

Section 3. School districts' maximum total weighted full-time equivalent student enrollment shall be calculated using the procedure defined in section 236.081(1)(d), Florida Statutes, and shall be adjusted by including districts' grades K-8 basic summer school enrollment in group 2.

Section 4. Notwithstanding the provisions of sections 215.91, 215.92, 215.93, 215.94, and 110.116, Florida Statutes, the State University System shall develop a personnel system consistent with the intent of sections 215.91 and 110.116, Florida Statutes. The State University System shall develop this system to meet the payroll needs of the Department of Banking and Finance and the informational requirements of the Florida Fiscal Accounting Management Information System (FFAMIS) decision support system and shall be an integral part of the statewide data base established pursuant to proviso in the State University System budget in the 1994-1995 General Appropriations Act.

Section 5. Notwithstanding the provisions of section 240.605(5)(a), Florida Statutes, financial assistance payments for private tuition assistance in fiscal year 1994-1995 shall increase as provided in the 1994-1995 General Appropriations Act.

Section 6. The Division of Bond Finance of the State Board of Administration is hereby authorized to refinance any or all bonds previously issued pursuant to the provisions of Article VII, Section 11(d) of the State Constitution, and all projects that have been built or are scheduled to be built with the proceeds of bonds previously issued pursuant to the provisions of Article VII, Section 11(d) of the State Constitution are hereby approved in accordance with the provisions of Article VII, Section 11(e) of the State Constitution for the purposes of one or more refinancings of any or all of such bonds as may be determined by the Division of Bond Finance. The bonds authorized to be issued shall not be counted towards any statutory limit on the dollar amount of bonds which may be issued for any bond program.

Section 7. Notwithstanding section 383.12, Florida Statutes, a fee of \$20 may be charged for any serological tests required pursuant to section 383.14, Florida Statutes, on blood samples submitted to the laboratory of the Department of Health and Rehabilitative Services or to any of its authorized branches. The department is authorized to establish the most efficient and cost-effective manner of assessing and collecting this fee.

Section 8. Notwithstanding the provisions of section 216.181(10), Florida Statutes, as amended by chapter 92-142, Laws of Florida, the Executive Office of the Governor, for an agency, and the Chief Justice of the Supreme Court, for the judicial branch, may approve changes in the amounts appropriated from state trust funds in excess of those in the approved operating budget when necessary to conduct the business of the State of Florida. Any actions under the authority granted by this section shall be consistent with the other provisions of chapter 216, Florida Statutes, and shall be subject to the notice and review requirements established in section 216.177, Florida Statutes. The Executive Office of the

Governor and the Chief Justice shall maintain an accounting of the number of and reasons for these changes, in a format prescribed by the legislative appropriations committees, and shall provide the accounting to either legislative appropriations committee upon the request of its chairman.

Section 9. The Department of Health and Rehabilitative Services may utilize general revenue funds to extend AFDC and Medicaid benefits to asylum applicants who are similarly situated to the plaintiff in Department of Health and Rehabilitative Services v. Solis. In implementing this provision, the department shall not amend Section 4.1.I.b. of the AFDC state plan.

Section 10. Notwithstanding the provisions of section 236.25(2), Florida Statutes, during the 1994-1995 fiscal year, district school boards may use revenue from unobligated discretionary capital improvement millage to fund one-time nonrecurring expenditures that provide instructional materials for each classroom. Such expenditures may include consumable and nonconsumable instructional supplies, materials, textbooks, and equipment.

Section 11. During meetings of the Parole Commission that are held in the State Capitol Complex or other state facilities throughout the state, security shall be provided by the Division of Capitol Police of the Department of Management Services.

Section 12. The Secretary of the Department of Health and Rehabilitative Services shall, quarterly, compile and submit a report on the current status on all pending class-action litigation that contains a claim under 42 U.S.C. 1983. This report shall be submitted to the President of the Senate, the Speaker of the House of Representatives, and the chairmen of the Appropriations Committees of the Senate and the House of Representatives.

Section 13. (1) Notwithstanding the provisions of chapters 55 and 57, Florida Statutes, or any other provision of law to the contrary, no state agency, as defined in section 216.001(1)(kk), Florida Statutes, or branch of government shall pay, for any goods or services which are under dispute, for any prejudgment interest, costs or attorney fees for any contractor, as defined in section 287.012(6), Florida Statutes, arising from any contract or from any judgment arising from any contract for resources requiring review pursuant to section 287.073, Florida Statutes, if the contract contains provisions regarding dispute resolution that have not been followed by the contractor.

(2) No state agency, as defined in section 216.011(1)(kk), Florida Statutes, or branch of government shall enter into any contract for resources requiring review pursuant to section 287.073, Florida Statutes, if the contractor, as defined in section 287.012(6), Florida Statutes, is suing, or has a judgment against, any state agency or branch of government in Florida arising from any contract for resources requiring review pursuant to section 287.073, Florida Statutes, if the contract contained provisions regarding dispute resolution that were not followed by the contractor. This subsection does not apply to the contract with the Department of Education involving the student financial aid program.

(3) It is the intent of the Legislature that this section shall apply to all pending contracts for all state agencies and branches except those contracts for which there is a final judgment entered which awards damages, prejudgment interest, attorney's fees, or costs, which applies to such contract, from which no appeal has been taken as of the effective date of this act.

Section 14. Notwithstanding the provisions of section 240.257(4)(a), Florida Statutes, each university is eligible to match any of the funds in the Trust Fund for Eminent Scholars or the Trust Fund for Major Gifts. The Board of Regents shall encumber state matching funds for any pledged contributions, pro rata, based on the requirements for state matching as specified for the particular challenge grant and the amount of the private donations actually received by the university for the respective challenge grant.

Section 15. Notwithstanding the provisions of sections 408.033 and 408.038, Florida Statutes, \$1,044,147 of the fees assessed pursuant to such sections shall be deposited into the Health Care Trust Fund within the Agency for Health Care Administration.

Section 16. In order to accommodate the reductions in the amounts of Public Education Capital Outlay (PECO) funds projected in the immediate future, it is the intent of the Legislature to focus the use of PECO

funds in the fiscal year 1994-1995 budget on the provision of direct instruction facilities. Notwithstanding the provisions of section 235.196, Florida Statutes, during fiscal year 1994-1995 the Commissioner of Education:

(1) May not accept any applications for new community educational facilities or applications to renovate or remodel existing community educational facilities; and

(2) May not include requests for funds for community educational facilities in the fiscal year 1995-1996 legislative capital outlay budget request as provided in section 235.41, Florida Statutes, in excess of those amounts required to continue or complete such projects that received legislative appropriations in fiscal year 1994-1995.

Section 17. Notwithstanding the provisions of section 216.292(1), Florida Statutes, or any other provision of law to the contrary, the Department of Health and Rehabilitative Services may transfer general revenue funds to the Agency for Health Care Administration as necessary to comply with the requirements of the proviso language following Specific Appropriation 798 of the 1994-1995 General Appropriations Act.

Section 18. Notwithstanding the provisions of chapter 216, Florida Statutes, to the contrary, the Executive Office of the Governor shall reallocate funding in the 1994-1995 approved budget for state agencies and the judicial branch to align spending authority with the Division of Risk Management's premium assessments for the Florida Casualty Insurance Risk Management Trust Fund calculated pursuant to the provisions of section 284.36, Florida Statutes. This reallocation shall not increase the statewide total authorized by the Legislature for premium payments into the Florida Casualty Insurance Risk Management Trust Fund, and is subject to the notice, review, and objection provisions included in section 216.177, Florida Statutes.

Section 19. It is the intent of the Legislature, through the implementation of this section, to provide state agencies with an increased incentive to become actively involved in the prevention and management of workers' compensation claims involving state employees. Notwithstanding the provisions of current law to the contrary, state agencies covered by the state risk-management program established under chapter 284, Florida Statutes, shall be responsible for funding initial salary indemnification costs for employees who are entitled to workers' compensation benefits pursuant to chapter 440, Florida Statutes, from funds appropriated to pay salaries and benefits. Salary indemnification costs shall be defined as those payments made to employees for temporary total disability benefits. After an employee has been eligible for disability benefits for 10 weeks, salary indemnification costs shall be funded from the Florida Casualty Insurance Risk Management Trust Fund in accordance with the provisions of chapter 284, Florida Statutes, for those agencies insured by the fund. For the purpose of administering this section, the Division of Risk Management shall continue to pay all claims, but shall be periodically reimbursed from funds of state agencies for initial salary indemnification costs for which they are responsible. If a state agency demonstrates to the Executive Office of the Governor and chairmen of the House and Senate appropriations committees that no funds are available to pay initial salary indemnification costs for a specific claim pursuant to this section without adversely impacting its ability to perform statutory responsibilities, the Executive Office of the Governor may direct the Division of Risk Management to fund all salary indemnification costs for that specific claim from the Florida Casualty Insurance Risk Management Trust Fund and waive the state agency reimbursement requirement. The Division of Risk Management shall prepare quarterly reports to the Executive Office of the Governor and the chairmen of the House and Senate appropriations committees indicating for each state agency the total amount of salary indemnification benefits paid to claimants and the total amount of reimbursements from state agencies to the Florida Casualty Insurance Risk Management Trust Fund for initial salary costs for the previous quarter. This report shall also include information for each state agency indicating the number of cases and amounts of initial salary indemnification costs for which reimbursement requirements were waived by the Executive Office of the Governor pursuant to this section. If a state agency fails to pay casualty insurance premiums or salary indemnification reimbursements within 30 days after being billed, the Division of Risk Management shall advise the Comptroller. After verifying the accuracy of the billing, the Comptroller shall transfer the appropriate amount from any available funds of the delinquent state agency to the Florida Casualty Insurance Risk Management Trust Fund.

Section 20. Notwithstanding the provisions of section 231.15(3), Florida Statutes, or any other law to the contrary, the fee for certification, or renewal of certification required by that section for fiscal year 1994-1995 shall be \$56.

Section 21. In the event of a financial emergency requiring modification of a collective bargaining agreement, the chief executive officer or his representative and the bargaining agent or its representative shall meet as soon as possible to negotiate the impact of the financial emergency.

Section 22. Notwithstanding the provisions of section 409.911, Florida Statutes, during the 1994-1995 fiscal year, the Department of Health and Rehabilitative Services shall use the 1992-1993 disproportionate share formula, the 1989 audited financial data as the most recent information available as of March 1, 1993, and the Medicaid per diem rate as of January 1, 1992, for those hospitals that qualify.

Section 23. Notwithstanding any law to the contrary, any loan made pursuant to section 215.18, Florida Statutes, to the Board of Regents for Florida International University for the purpose of restoring the university campus to conditions existing before Hurricane Andrew may extend beyond the 1993-1994 fiscal year and until such time as reimbursements and appropriations are available to repay the loan.

Section 24. Notwithstanding the provisions of chapter 216, Florida Statutes, or any other provision of law to the contrary, funds from juvenile justice appropriations may be utilized as one-time startup funding for juvenile justice purposes that include, but are not limited to, remodeling or renovation of existing facilities, construction costs, leasing costs, purchase of equipment and furniture, site development, and other necessary and reasonable costs associated with the startup of facilities or programs. Provider contracts shall be structured to protect both the provider's and the state's capital interests in the facilities on a pro rata basis according to the investment of each party.

Section 25. Notwithstanding the provisions of section 15.09(5), Florida Statutes, funds deposited into the Public Access Data Systems Trust Fund may be used by the Department of State to operate and maintain information systems and equipment purchased to provide greater public access to the information and records maintained by the department.

Section 26. Notwithstanding the provisions of section 255.518(1)(a), Florida Statutes, the Department of Management Services is authorized to use bond proceeds to acquire land associated with an existing facility for a new regional service center in Plantation, Florida.

Section 27. (1) The Commissioner of Education shall authorize a maximum of 40 public schools to participate in pilot programs to use a simplified method of funding exceptional student education. The funding method shall not be based on categorical eligibility but, rather, on an assessment of the students' need for services. The funding level may not exceed the level of funding provided for the same students under the Florida Education Finance Program. The public schools conducting the pilot programs must include elementary, middle, and high schools and must be located in a sample of large, medium-sized, and small school districts representing different geographic areas of the state. The pilot programs shall operate during the 1994-1995 school year.

(2) The schools shall assess the needs of each exceptional student taking part in the pilot program according to the following criteria:

- (a) Curricular, environmental, and technological adaptations;
- (b) Behavioral and social needs;
- (c) Physical independence;
- (d) Health care needs; and
- (e) Communication and adaptations needed.

Support services necessary for the exceptional students must be provided as indicated in their individual education plans.

(3) The Department of Education is authorized to waive applicable statutes and rules for schools and school districts participating in the pilot programs.

Section 28. Notwithstanding the provisions of section 216.301(3), Florida Statutes, funds included in appropriation item 34 of chapter 93-189, Laws of Florida, relating to projects for the University of South Florida Alumni House (p, c, e), and University Center Expansion (p, c, e) and Fieldhouse Renovation Expansion (p, c, e), at Florida Atlantic University shall not revert until February 1, 1995.

Section 29. Notwithstanding the provisions of section 216.301(3), Florida Statutes, funds included in appropriation item 1936A of Chapter 93-184, Laws of Florida, relating to the Florida State University Rehabilitation of Graduate Student House (p, c, e), project, shall not revert until February 1, 1995. In addition, the project title is changed to read Graduate Student House in order to provide for either rehabilitation of an existing facility or construction of a new facility.

Section 30. The Board of Regents is authorized to construct the following projects which are to be financed from revenue bonds issued pursuant to section 11(e), Article VII of the State Constitution:

- (1) University of Florida Family and Graduate Student Housing Apartments which may be partially financed from revenue bonds.
- (2) Florida State University Reynolds Hall Renovation which may be partially financed from revenue bonds (reauthorization).
- (3) University of South Florida Parking Structure which may be partially financed from revenue bonds (reauthorization).
- (4) University of South Florida Bookstore and Textbook Center which may be partially financed from revenue bonds (reauthorization).
- (5) University of South Florida Alpha Residence Hall Renovation which may be partially financed from revenue bonds.
- (6) University of Central Florida Bookstore Expansion which may be partially financed from revenue bonds.
- (7) University of Central Florida Students Housing Facility which may be partially financed from revenue bonds.
- (8) Florida International University Parking Garage which may be partially financed from revenue bonds (reauthorization).
- (9) University of North Florida additional student residences which may be partially financed from revenue bonds. Existing indebtedness of \$11.2 million may be refinanced. Notwithstanding the provisions of section 240.294, Florida Statutes, such bonds may be credit-enhanced through municipal bond insurance, surety bonds, or letters of credit to secure the lowest financing costs.
- (10) University of Central Florida parking garage which may be partially financed from revenue bonds.

Section 31. (1) Funds in the 1994-1995 General Appropriations Act are for the community colleges and the Division of Community Colleges to comply with the 1987 proviso requiring development of student, staff, and financial data bases and for the integration of these data bases and the facilities data base. The data bases and the integration defined in this section must be operational by July 1, 1996. Final data format specifications shall be delivered to the colleges by July 1, 1995, and shall specify that all data be submitted by the colleges for each term. All colleges shall submit all required data to the data base beginning with the data for the summer term of 1996.

(2) This appropriation emphasizes and rewards sharing developmental activities. The Executive Director of the Division of Community Colleges and each community college President shall have on their annual evaluation a section indicating how successful compliance with this effort has been for the year. This shall include the achievement of planned steps by planned deadlines in the development process, a report on the moneys and staff time devoted to this initiative, and the activities devoted to sharing with other colleges in the development initiative. The State Board of Community Colleges shall develop the actual evaluation wording to be used by each local board of trustees. Colleges are encouraged to place on other administrative employees associated with this effort an evaluation of their performance toward the successful achievement of these goals.

(3) There is established a Data Base Implementation Task Force that includes representatives from the Division of Community Colleges, the Florida Information Resource Network, and four community colleges. The community college representatives shall be selected by the Commissioner of Education in consultation with the Community Colleges' Council of Presidents. The Data Base Implementation Task Force shall arrive at its decisions on the basis of the consensus of all members. The Data Base Implementation Task Force has the following responsibilities: providing technical assistance to the colleges in development and execution of their data base implementation plans; reviewing and giving final approval to the implementation plans submitted by college consortia or

individual colleges not participating in consortia; reviewing and approving financial allocations based on the needs expressed in these implementation plans; monitoring and providing oversight for each project funded; and reporting back to the Legislature and the Governor on the progress towards implementation by the colleges and the consortia. The Florida Information Resource Network Director, in consultation with the Data Base Implementation Task Force, may appoint a Peer Technical Committee made up of not more than 10 college experts which shall review the colleges' implementation plans and make funding and other recommendations to the Data Base Implementation Task Force according to criteria established by the Data Base Implementation Task Force. Implementation plans must illustrate each college's current system, describe the changes that must be made locally to meet the goals of this proviso, list the tasks that must be completed to achieve these goals, provide a project schedule for the completion of these tasks by July 1, 1996, and include any request for impact funding to assist in performing these tasks. Implementation plans must directly and clearly relate to implementing one of the required data bases. The project schedule must also show the college being ready to submit all required data to the data base beginning with the data for the summer term of 1996. A financial analysis supporting requests for impact funding for tasks to be performed during the first of the 2 years of this implementation effort shall be included in the implementation plans.

(4) From the 1994-1995 General Appropriations Act, \$420,000 is provided to the Florida Information Resource Network to support the Data Base Implementation Task Force with support staff and that staff's capital outlay and expense funding and to provide colleges and consortia with technical assistance as directed by the Data Base Implementation Task Force.

(5) From the 1994-1995 General Appropriations Act, the sum of \$300,000 is provided to the Florida Information Resource Network to review the student, staff, financial, and facilities data bases and develop a design for an integrated community colleges data base that is responsive to the information needs of the colleges, the Division of Community Colleges, the Department of Education, the Governor's office, and the Legislature. Design specifications shall also include a list of queries that will be used by the Florida Information Resource Network to certify that an integrated system, responsive to the needs set forth in this section, has been developed. The Florida Information Resource Network may contract with a college or a vendor for this work, in which Division of Community Colleges Management Information Systems staff shall also participate. Final specifications for an integrated data base shall be delivered to the Division of Community Colleges by June 1, 1995; final data input formats and edit specifications shall be delivered to the Division of Community Colleges and the colleges by this same date. At the completion of this design effort, funds from this \$300,000 may be used, if they are available, to begin the implementation of the integrated design, with the participation of Division of Community Colleges Management Information Systems staff. With second-year funding, the implementation of the integrated design shall be completed by July 1, 1996. The Florida Information Resource Network shall conduct a certification test to determine that an integrated data base responsive to the goals in this proviso has been developed and deliver its certification report to the Governor and the Legislature by October 1, 1996.

(6) From nonrecurring funds, \$500,000 is provided to the Florida Information Resource Network for the design of a community college accountability system that includes degree-audit functionality. The Florida Information Resource Network may contract with a college or a vendor for this design. The design shall satisfy the accountability and degree-audit needs of the students, the colleges, and state government and shall, as much as possible, provide degree-audit functionality that can be used for academic counseling and articulation with the State University System. In preparing the design, a review must be conducted of the designs of any existing degree-audit systems to be found in the state's public community colleges and universities, and the results of this review must be used as a starting point for soliciting input from all community colleges as to their accountability and degree-audit needs and those of their students. Input from the Peer Technical Committee shall also be solicited as a part of this project. In addition, a survey of the data processing environments of the community colleges shall be conducted to ensure that the design can be implemented in as many data processing environments as feasible. Where implementation is not feasible, alternate data processing implementation solutions shall be recommended as a part of the design. The final design document shall be delivered to the community colleges, their consortia, and the Data Base Implementation Task Force by June 1, 1995.

(7) From the 1994-1995 General Appropriations Act, \$1 million of nonrecurring funds is provided to the Florida Information Resource Network to fund the existing IBM mid-range consortium of small colleges including Lake-Sumter, North Florida, St. Johns River, and Santa Fe Community Colleges. Florida Keys, South Florida, and Manatee Community Colleges are included in this consortium and are encouraged but not required to participate in the use of these common shared software development activities based on the migration of Santa Fe Community College Software. If any of these three colleges elects not to participate in the consortium, it must notify the consortium and the Data Base Implementation Task Force of its decision to be treated as a nonconsortium college by August 1, 1994. Consortium funding shall not be affected by such election. All member colleges must submit their implementation plans to the consortium by August 1, 1994. The consortium shall then incorporate these plans in an overall consortium plan, which shall allocate funding to the consortium and each college and submit this plan to the Peer Technical Committee to review and recommend funding to the Data Base Implementation Task Force for approval by October 1, 1994. Technical assistance for the consortium may be provided from the \$1 million. The consortium shall designate one member college as the fiscal agent for the consortium. The Data Base Implementation Task Force shall release the consortium funds to that college as provided in the approved consortium plan. This consortium is bound by all provisions stated elsewhere in this proviso for reporting and use of funds.

(8) From the 1994-1995 General Appropriations Act, \$750,000 of nonrecurring funds is provided to the Florida Information Resource Network to fund the existing UNISYS Consortium. The colleges in this consortium include Daytona Beach, Gulf Coast, Polk, Pasco-Hernando, Pensacola, Seminole, and St. Petersburg Junior Colleges. All member colleges must submit their implementation plans to the consortium by August 1, 1994. The consortium shall then incorporate these plans in an overall consortium plan, which shall allocate funding to the consortium and each college, and submit this plan to the Peer Technical Committee to review and recommend funding to the Data Base Implementation Task Force for approval by October 1, 1994. Technical assistance for the consortium may be provided from the \$750,000. The consortium shall designate one member college as the fiscal agent for the consortium. The Data Base Implementation Task Force shall release the consortium funds to that college as provided in the approved consortium plan. This consortium is bound by all provisions stated elsewhere in this proviso for reporting and use of funds.

(9)(a) From the 1994-1995 General Appropriations Act, \$2 million is provided to the Florida Information Resource Network to assist those colleges that are not included in the IBM mid-range or UNISYS consortia, or that elect not to participate in the IBM mid-range consortium. All such colleges must submit implementation plans to the Data Base Implementation Task Force by August 1, 1994. The Peer Technical Committee shall review the implementation plans submitted by these colleges and recommend funding to the Data Base Implementation Task Force for approval. The Data Base Implementation Task Force shall develop criteria for the evaluation of proposals which shall give greater weight and resource allocations to those plans and budgets that involve shared systems development activities in the formation of new consortia. Technical assistance for colleges may be provided from the \$2 million. If any of these colleges choose to participate in either the IBM mid-range consortium or the UNISYS consortium, the Data Base Implementation Task Force in consultation with the Peer Technical Committee may transfer funds from the \$2 million and add them to the funding of the consortium. Notice of election to participate in a consortium and of the consortium's acceptance of the new member college must be given by August 1, 1994, and the participating college must submit its implementation plan to the consortium by that date.

(b) All consortia and colleges not participating in consortia must make semiannual progress reports to the Data Base Implementation Task Force, on December 15, 1994, and June 15, 1995. Progress reports must detail the status of each task included in the approved implementation plans. The Data Base Implementation Task Force shall submit reports to the Governor and the Legislature detailing all progress towards completion of the goals of this proviso on January 15, 1995, and on July 15, 1995.

Section 32. Notwithstanding the provisions of section 403.1838, Florida Statutes, the Department of Environmental Protection shall waive the current requirements and grant to the City of Apalachicola sufficient funds to match future grants awarded to the City of Apalachicola under

the Small Communities Sewer Construction Assistance Program for repayment of loans made to the City of Apalachicola for construction of a wastewater treatment facility.

Section 33. Notwithstanding the provisions of section 11.45(1)(h), Florida Statutes, the Auditor General is authorized to resume routine financial and operational audits of the Florida Public Service Commission, including funds appropriated in the General Appropriations Act for 1994-1995.

Section 34. Notwithstanding the provisions of section 216.301, Florida Statutes, funds provided in Specific Appropriation 1439 of chapter 93-184, Laws of Florida, for SUNTAX shall not revert on December 31, 1994.

Section 35. Notwithstanding the provisions of section 216.301, Florida Statutes, funds provided in Specific Appropriation 1426B of chapter 93-184, Laws of Florida, for contract auditing shall not revert on December 31, 1994.

Section 36. Notwithstanding the provisions of section 403.709(2)(e), Florida Statutes, funds provided in Specific Appropriation 156 of the 1994-1995 General Appropriations Act may be used for general mosquito control. Moneys allocated to the Solid Waste Management Trust Fund from the collection of waste tire fees shall be transferred to the Department of Agriculture and Consumer Services' General Inspection Trust Fund for this purpose.

Section 37. Notwithstanding the provisions of section 372.573, Florida Statutes, funds dedicated for the purchase of lands for public hunting, fishing, and outdoor recreation from the sale of management area stamps may be used as operating funds for the Florida Game and Fresh Water Fish Commission.

Section 38. Notwithstanding any provision of law to the contrary, \$3 million shall be transferred from the Public Facilities Conversion Revolving Trust Fund in the Department of Management Services to unallocated general revenue.

Section 39. The Department of Management Services may use up to \$100,000 of the General Revenue Funds provided in Specific Appropriation 1954A of chapter 93-184, Laws of Florida, to relocate an existing playground that is currently located at the proposed site of the Lee Davis Regional Service Center - Tampa.

Section 40. Notwithstanding chapter 957, Florida Statutes, the Correctional Privatization Commission shall be housed within the Department of Legal Affairs for administrative purposes.

Section 41. Notwithstanding any provision of law to the contrary, the Department of Education may contract for the 1994 cost-of-living market basket survey pursuant to the contract executed for the survey as provided in the Request For Proposal issued by the Executive Office of the Governor, February 5, 1992.

Section 42. The Department of Management Services is authorized to use surplus funding from Specific Appropriation 1954D of chapter 93-184, Laws of Florida, to construct the shell of an approximately 12,000 square foot central conference facility at the Satellite Office Complex, Leon County. The conference center will be an addition to the Public Service Commission hearing facility that is under construction.

Section 43. Notwithstanding the proviso language for appropriation item 1924 of chapter 88-555, Laws of Florida, the funds included in that item for the Holmes and Nassau County District School Boards shall not be counted toward the total state effort required.

Section 44. Notwithstanding the provisions of section 216.301(3), Florida Statutes, Specific Appropriation 1940 JT/Monroe County Schools - Tavernier partial (p) \$106,875 and Specific Appropriation 1947 - section 235.195, Florida Statutes, Monroe District School Board/Florida Keys Community College classroom facility (p,c) \$71,250 contained in chapter 93-185, Laws of Florida, shall not revert until February 1, 1996.

Section 45. For purposes of determining compliance with the expenditure reductions provided for in section 338 of chapter 92-279, Laws of Florida, the following guidelines apply in determining the appropriate amounts to be included in the base for the 1991-1992 fiscal year and the specified reduction fiscal years:

(1) The following budget entities assigned to the Department of Management Services shall not be included in the expenditure reduction requirement:

- (a) Commission on Human Relations.
- (b) Division of Administrative Hearings.
- (c) Information Resource Commission.

(2) Expenditures from the other personal services budget category shall include payments to persons when an employer-and-employee relationship exists and shall exclude payments to independent contractors.

(3) Funding for new positions and temporary employees appropriated by the Legislature after April 17, 1992, will be excluded in the determination of actual expenditures for the 1993-1994 and 1994-1995 fiscal years.

(4) The retroactive pay increase appropriated to be paid in July 1993 shall be included in the total expenditures subject to the reduction for the 1991-1992 fiscal year and excluded from the actual expenditures calculations for the 1993-1994 fiscal year.

(5) State employee pay increases appropriated by the Legislature subsequent to the enactment of chapter 92-279, Laws of Florida, shall be excluded from total expenditures for the 1993-1994 and 1994-1995 fiscal years.

Section 46. Notwithstanding the provisions of section 320.08067, Florida Statutes, or any other provision of law to the contrary, the balance of the Quincentennial Trust Fund in the Department of Commerce is hereby transferred to the Historic Preservation Trust Fund in the Division of Historical Resources of the Department of State.

Section 47. Notwithstanding the provisions of section 215.425, Florida Statutes, and any other law to the contrary, each university within the State University System is authorized to implement the individual salary incentives, authorized by proviso related to Specific Appropriation 424, chapter 93-184, Laws of Florida, which provide for a \$5,000 increase in the base salary of each recipient, retroactively to the beginning of the 1993-94 academic year. This section shall take effect upon becoming a law.

Section 48. Notwithstanding the provisions of subsection (3) of section 320.0808, Florida Statutes, fifty percent of the Challenger license plate annual use fee shall be deposited into the Center for Space Education Trust Fund. Such funds may be used to support operations of the Center for Space Education and the Education Technology Institute. These operations shall include pre-service and in-service training in the use of technology for Florida's instructional personnel in a manner consistent with state training programs. Up to 20 percent of the funds may be expended for administrative costs directly associated with the operation of the Center for Space Education.

Section 49. Notwithstanding the provisions of section 240.209, Florida Statutes, section 240.2095, Florida Statutes, and any other laws to the contrary, Florida Agricultural and Mechanical University is authorized to establish a School of Public Health to provide education, training and research with respect to diseases and health problems that disproportionately affect the educationally and economically disadvantaged.

Section 50. Notwithstanding the provisions of sections 376.11-376.21, Florida Statutes, or other provisions of law to the contrary, \$70,000 shall be appropriated from the Coastal Protection Trust Fund to the Greater Tampa Bay Marine Advisory Council for the specific purpose of funding the on-line measurement of tides in Tampa Bay. Since the Port of Tampa is one of the two leading importers of oil products in the state, it is the intent of the Legislature that the advisory council pursue federal funding for the ongoing operation of this program. When federal funds are received for the on-line measurement of tides in Tampa Bay for part or all of the 1993-1994 state fiscal year, the advisory council shall repay any loan made pursuant to this section in the full amount of the loan or the amount of federal funds received, whichever is less.

Section 51. The Intergovernmental Affairs Policy Unit within the office of the Governor is directed to conduct a comprehensive study to determine the cost incurred by state and local governmental entities due to refugees arriving in the state. To the maximum extent possible, this study must identify costs incurred since 1980 and must project costs that may be incurred in the future. The study shall separately document costs incurred for: refugees and entrants as defined in federal law or regulation; illegal aliens who have arrived in the state; other illegal immigrants who have been granted permission under various federal laws to remain in the United States; and immigrants who have legally entered or settled in the state under federal law. The study must compare costs incurred with

reimbursements and grants received from the Federal Government during the same time periods. The study must, at a minimum, address costs incurred in the school systems, public infrastructure systems, public health systems, criminal justice systems, and social services systems and must include expenditures made by private entities which are funded in whole or in part by state or local government agencies. To the extent possible, the study must also attempt to document expenditures made by private entities which are not funded by governmental agencies. The Advisory Council on Intergovernmental Relations within the Legislature may provide support and technical assistance for this study to the office of the Governor. The office of the Governor must submit a report detailing the results of the study to the Legislature by January 1, 1995, along with recommendations for strategies to obtain increased federal support for the costs of refugees and immigrants incurred at the state and local levels.

Section 52. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 53. Except as otherwise provided in this act and except for this section, which shall take effect upon becoming a law, this act shall take effect July 1, 1994, or in the event this act fails to become a law until after that date, it shall operate retroactively thereto. This act shall expire and be void and inoperative on July 1, 1995.

And the title is amended as follows:

In title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to implementing the fiscal year 1994-1995 General Appropriations Act; providing legislative intent; providing for calculation of the statewide adjusted aggregate required local effort for all school districts from ad valorem taxes, under authority of the Commissioner of Education; providing for adjustment of the required local effort millage rate of certain districts; providing for calculation of school districts' maximum total weighted full-time equivalent student enrollment; requiring the State University System to develop a personnel system to meet certain payroll needs and informational requirements; prescribing limits on increases in financial assistance payments for private tuition assistance; authorizing the Division of Bond Finance of the State Board of Administration to refinance certain bonds; providing for a fee for serological tests required in blood samples submitted to Department of Health and Rehabilitative Services laboratories; authorizing the Executive Office of the Governor and the Chief Justice of the Supreme Court to approve certain budget changes under certain circumstances and requiring the Executive Office of the Governor and the Chief Justice to maintain an accounting of these changes and to provide this accounting to the legislative appropriations committees upon request; authorizing the Department of Health and Rehabilitative Services to use general revenue funds to extend AFDC and Medicaid benefits to certain asylum applicants; authorizing the use of unobligated discretionary capital improvement millage to fund one-time expenditures for classroom materials; providing for security at meetings of the Parole Commission; requiring a report by the Department of Health and Rehabilitative Services on specified pending class-action litigation; limiting state agency and branch actions resulting from certain contracts containing provisions for dispute resolution; providing for state universities to match funds in the Trust Fund for Eminent Scholars or the Trust Fund for Major Gifts; providing for deposit into the Health Care Trust Fund of fees assessed against selected health care facilities and used to fund the Statewide Health Council and local health councils; prohibiting the Commissioner of Education from accepting in fiscal year 1994-1995 certain applications and requests for funds for community educational facilities in order to focus the use of PECO funds on the provision of direct instruction facilities; authorizing the Department of Health and Rehabilitative Services to transfer general revenue funds to the Agency for Health Care Administration as necessary to comply with proviso requirements in the 1994-1995 General Appropriations Act; providing for reallocation of funds with respect to assessments for the Florida Casualty Insurance Risk Management Trust Fund; prescribing duties of state agencies covered by the state risk-management program with respect to funding costs for employees entitled to workers' compensation benefits; providing for indemnification of the Florida Casualty Insurance Risk Management Trust Fund; prescribing the fees for certification and certification renewal for certain educational personnel; prescribing duties of parties to a collective bargaining agreement in financial emergencies; prescribing the data to be

used in disproportionate-share-program determinations; providing for extensions of any loan made to Florida International University for hurricane damage restoration; providing for use of juvenile justice appropriations as startup funding for juvenile justice facility or program purposes; authorizing the Department of State to use specified funds to operate and maintain information systems and equipment for public records access; providing for the Department of Management Services to acquire land for a regional service center; requiring the Commissioner of Education to authorize pilot projects to use an alternative method of funding exceptional student education; providing that certain appropriations for capital projects at the Florida Atlantic University, Florida State University, and the University of South Florida not revert; authorizing the Board of Regents to construct specified facilities from revenue bonds issued pursuant to s. 11(e), Art. VII of the State Constitution; providing that certain appropriations are to be used in the development of community college data bases; providing for a task force and technical advisory committee; providing for support staff; prescribing duties with respect to data base design; prescribing guidelines for the various data bases; providing for funding existing information consortia among community colleges; requiring reports from colleges that participate in consortia and those that are independent; directing the Department of Environmental Protection to waive certain requirements and grant funds to the City of Apalachicola for a wastewater treatment facility; authorizing the Auditor General to resume routine audits of the Florida Public Service Commission; providing that certain funds appropriated for SUNTAX will not revert; providing that certain funds appropriated for contract auditing will not revert; authorizing a certain appropriation to be used for mosquito control and transferring moneys collected from waste tire fees to the Department of Agriculture and Consumer Services; authorizing the use of moneys collected from the sale of management area stamps to be used as operating funds of the Game and Fresh Water Fish Commission; transferring a sum from the Public Facilities Conversion Revolving Trust Fund to general revenue; authorizing the Department of Management Services to use certain funds to relocate an existing playground at the proposed site of the Lee Davis Regional Service Center in Tampa; directing that the Correctional Privatization Commission be housed in the Department of Legal Affairs; providing guidelines for the Department of Education with respect to contracting for the 1994 cost-of-living market basket survey; providing for construction of a specified structure at the Satellite Office Complex in Leon County with surplus funds; providing that certain moneys appropriated to the Baker and Nassau County District School Boards do not count toward total state effort required; providing that moneys in specified appropriations for educational facilities in Monroe County will not revert; providing guidelines for determining the base expenditures against which mandated reductions in Department of Management Services' salaries and benefits and other personal services budget categories must be calculated; transferring the unexpended balance of the Quincentennial Trust Fund to the Historic Preservation Trust Fund; providing for retroactive implementation of the teaching incentive programs effective with the start of the 1993-94 academic year; providing for deposit into the Center for Space Education Trust Fund of a specified amount of the Challenger license plate annual fee to be used to support operations of the Center for Space Education Technology Institute; establishing a School of Public Health of Florida Agricultural and Mechanical University; providing an appropriation to the Greater Tampa Bay Marine Advisory Council for on-line measurement of tides; requiring a study by the Intergovernmental Affairs Policy Unit in the office of the Governor with respect to refugees; providing severability; providing effective dates, including a retroactive effective date, and expiration dates.

On motion by Senator Jenne, by two-thirds vote **HB 2223** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40 Nays—None

MOTION

On motion by Senator Jenne, the rules were waived and **HB 2223** was ordered immediately certified to the House.

SPECIAL ORDER

THE PRESIDENT PRESIDING

On motion by Senator Siegel, by two-thirds vote—

CS for CS for SB 68 and CS for SB's 2012, 230, 236, 248, 266, 274, 282, 392, 498, 674, 1306 and 1400—A bill to be entitled An act relating to juvenile justice; creating the Department of Juvenile Justice; providing for a Secretary of Juvenile Justice; providing for an Assistant Secretary for Prevention and Intervention; providing for an Assistant Secretary for Detention and Corrections; providing responsibilities; specifying service districts of the department within the state and commitment regions; requiring the department's annual budget request to be based on unit cost data; requiring the secretary to establish an automated information system for the purpose of administering juvenile justice programs; requiring that funding for the system be included in the department's legislative budget request; transferring all powers, duties, records, personnel, property, and unexpended balances of appropriations of the Deputy Secretary for Juvenile Justice Programs of the Department of Health and Rehabilitative Services to the Department of Juvenile Justice; providing for administrative rules of the Deputy Secretary for Juvenile Justice Programs of the Department of Health and Rehabilitative Services to remain in effect until changed by the Department of Juvenile Justice; providing for the transfer of pending judicial or administrative proceedings; creating the Juvenile Justice Advisory Board; providing for membership of the board; providing for terms of appointment; assigning the board, for administrative purposes, to the Department of Juvenile Justice; providing powers and duties of the board; transferring all employees, unexpended balances of appropriations, materials, files, records, and equipment of the Commission on Juvenile Justice to the Juvenile Justice Advisory Board; amending s. 20.19, F.S.; deleting references to certain programs of the Department of Health and Rehabilitative Services with respect to juvenile justice and children in need of services and families in need of services to conform to changes made by the act; providing an additional purpose of the Department of Health and Rehabilitative Services with respect to reducing out-of-wedlock births and teenage pregnancies; requiring a report; requiring the Children and Families Program Office of the Department of Health and Rehabilitative Services to provide intervention services for delinquent children and their families; requiring the health and human services boards of the Department of Health and Rehabilitative Services, in planning its programs, to consider data concerning the juvenile justice programs and services within the district; amending s. 39.001, F.S.; revising the purposes and intent of ch. 39, F.S., relating to juvenile proceedings; amending s. 39.002, F.S.; revising state policy with respect to juvenile justice and delinquency prevention; providing that it is the intent of the Legislature to authorize the detention of a juvenile who has acted in contempt of court; providing that it is the policy of the state to identify and address certain problems with respect to juvenile delinquency; amending s. 39.01, F.S.; revising definitions to conform to changes made by the act; deleting a limitation on the number of children that may be assigned to a nonsecure detention facility; redefining the term "serious or habitual juvenile offender" for purposes of ch. 39, F.S.; providing for preliminary screening to include certain interviews and urine and breathalyzer screenings; defining the term "maximum risk residential" as an additional level of custody under which a juvenile is committed to the custody of the department; defining the terms "secure shelter," "staff-secure shelter," and "temporary release" for purposes of ch. 39, F.S.; amending s. 39.012, F.S.; requiring the Department of Juvenile Justice, as created by this act, to adopt rules; creating s. 39.0206, F.S.; defining the term "department" to be the Department of Juvenile Justice for the purposes of ss. 39.021-39.078, F.S.; amending ss. 39.014, 39.021, F.S.; providing powers and duties of the Department of Juvenile Justice with respect to juvenile justice programs and programs and services for children in need of services and families in need of services; requiring the department to assist the Department of Health and Rehabilitative Services in reducing out-of-wedlock births and teenage pregnancies; requiring the department to measure and report to the Legislature on the effectiveness of programs and services; requiring a report by the Auditor General; repealing s. 39.023, F.S., relating to the Commission on Juvenile Justice; amending s. 39.024, F.S.; providing for the Secretary of Juvenile Justice to appoint members of the Juvenile Justice Standards and Training Council; amending s. 39.025, F.S.; revising the membership of the county juvenile justice councils; providing for the juvenile justice councils within each district to appoint members to a district juvenile justice board; increasing the initial terms of members appointed to the district juvenile justice boards; exempting members of certain district juvenile justice boards from term limitations; prescribing additional duties of the boards; providing for the boards to have access to certain records for purposes of performing its duties; requiring the department to provide matching funds for additional positions for staff to assist the boards; authorizing the boards to propose innovation zones within the districts; providing requirements for implementing such pro-

posals; amending s. 39.0255, F.S.; providing powers and duties of the Department of Juvenile Justice with respect to the juvenile civil citation process; amending s. 39.029, F.S.; deleting an obsolete provision; amending s. 39.034, F.S.; authorizing the community arbitrator or community arbitration panel to require that a child undergo urine monitoring; amending s. 39.038, F.S.; providing for a juvenile who has been taken into custody to be released to a juvenile assessment center; amending s. 39.039, F.S.; requiring that the fingerprints of a juvenile who is charged with or found to have committed certain offenses be submitted to the Department of Law Enforcement; requiring that the name, address, and photograph of a juvenile found to have committed a felony be forwarded to a news organization upon request; amending s. 39.042, F.S.; authorizing the detention of a juvenile upon certain acts of contempt; providing that a juvenile who is charged with committing domestic violence may be held in secure detention; requiring a hearing within a specified period; amending s. 39.043, F.S.; deleting a prohibition on placing a child in need of services into secure detention care; prohibiting the placement of an alleged dependent juvenile into secure detention care; amending s. 39.044, F.S.; deleting a requirement that certain efforts be made to release a juvenile from custody; requiring a juvenile's parent or guardian to pay certain fees for the care, support, and maintenance of the juvenile; providing for a reduction or waiver of such fees; providing circumstances under which the department or the state attorney may seek a court order authorizing the temporary detention of certain juveniles who cannot be placed in an appropriate residential program; repealing s. 39.0445, F.S., relating to juvenile domestic violence offenders; amending ss. 39.045, 39.046, F.S.; providing powers and duties of the Department of Juvenile Justice with respect to juvenile justice programs; providing for certain interagency agreements with respect to the sharing of a juvenile's criminal history record among agencies; revising requirements for retaining a juvenile's records; authorizing the release of a juvenile's photograph if that juvenile has committed certain offenses; amending s. 39.047, F.S.; providing additional requirements for the intake and case management system of the Department of Juvenile Justice; requiring the district administrator of the Department of Health and Rehabilitative Services to cooperate with the case manager in providing intake and case management services; providing circumstances under which the state attorney may file an information against a juvenile between specified years of age who is charged with certain offenses; providing circumstances under which a juvenile must be transferred for prosecution as an adult, regardless of the age of the juvenile; amending s. 39.0475, F.S.; authorizing the court to order that a juvenile continue in a urine monitoring program following completion of a delinquency pretrial intervention program; providing requirements for entities that provide such programs; amending s. 39.049, F.S.; providing for the parent or guardian of a juvenile to be taken into custody for failing to obey a summons; creating s. 39.0495, F.S.; prohibiting an employer from dismissing or threatening to dismiss an employee who is summoned to appear; amending s. 39.052, F.S.; deleting an obsolete provision; amending s. 39.053, F.S.; authorizing the court to require that a juvenile undergo urine monitoring as part of a community control program; amending s. 39.054, F.S.; providing that commitment of a juvenile to the Department of Juvenile Justice is for the purpose of control of the juvenile which includes urine monitoring; increasing the age until which the department maintains custody of a juvenile who has been adjudicated delinquent and committed to the department; authorizing the court to order that the parent or guardian of a juvenile perform community service with the juvenile; authorizing the court to order the parent or guardian of a juvenile to cosign a note in satisfaction of an order of restitution; deleting the limitation on the liability of a parent for his child's criminal acts; authorizing the court to order the parent or guardian of a juvenile to perform community service if the court finds that the parent or guardian did not make certain efforts to prevent the juvenile from engaging in delinquent acts; specifying the fees to be paid for the care, support, and maintenance of a juvenile; providing for a reduction or waiver of such fees; providing for the deposit of such fees into the Juvenile Justice Facility Construction and Operation Trust Fund; authorizing the department to temporarily release a juvenile committed to the department; providing for the department to revoke a juvenile's temporary release status; amending ss. 39.055, 39.056, F.S.; providing powers and duties of the Department of Juvenile Justice with respect to juvenile justice programs; amending s. 39.057, F.S.; revising criteria under which a juvenile may be placed in a boot camp program; providing program requirements for a boot camp operated by the department, a county, or a municipality; requiring a minimum period of participation in the boot camp program; requiring a minimum period of participation in aftercare; providing training requirements for the staff of a boot camp program; providing certification requirements for instructors of training courses;

creating s. 39.0581, F.S.; providing criteria for committing a juvenile to a maximum-risk residential program; creating s. 39.0584, F.S.; requiring the court to commit a juvenile to a graduated series of commitment programs if the juvenile is adjudicated delinquent for multiple felony offenses; amending s. 39.0585, F.S.; conforming provisions to changes made by the act; amending s. 39.059, F.S.; specifying fees to be imposed for the care, support, and maintenance of a juvenile committed to the department; providing for the reduction or waiver of such fees; providing for the deposit of such fees into the Juvenile Justice Facility Construction and Operation Trust Fund; revising criteria for determining suitability for imposing adult sanctions; amending s. 39.062, F.S.; conforming provisions to changes made by the act; creating s. 39.39, F.S.; defining the term "department" to mean the Department of Health and Rehabilitative Services for purposes of ss. 39.40-39.418, F.S.; creating s. 39.419, F.S.; defining the term "department" to mean the Department of Juvenile Justice for purposes of ss. 39.42-39.447, F.S.; amending s. 39.42, F.S.; providing duties and responsibilities of the Department of Juvenile Justice with respect to families in need of services and children in need of services; creating s. 39.449, F.S.; defining the term "department" to mean the Department of Health and Rehabilitative Services for purposes of ss. 39.45-39.456, F.S.; creating s. 39.459, F.S.; defining the term "department" to mean the Department of Health and Rehabilitative Services for purposes of ss. 39.46-39.474, F.S.; amending s. 316.635, F.S.; providing that a minor who fails to appear as ordered by a court having jurisdiction over traffic violations commits contempt; authorizing the court to place a minor in secure detention for such offense; amending s. 316.655, F.S.; providing that a minor may be placed in secure detention for violating certain traffic offenses; requiring that the court order the Department of Highway Safety and Motor Vehicles to revoke, for specified periods, the driver's license of a minor who is convicted of driving under the influence of alcohol or drugs; requiring that a minor be temporarily held in custody following such arrest; amending s. 320.08045, F.S.; increasing the surcharge imposed on motor vehicle license taxes, and deposited into the Florida Motor Vehicle Theft Prevention Trust Fund to be used for juvenile justice purposes; amending s. 397.821, F.S.; conforming a cross-reference to changes made by the act; amending s. 860.1545, F.S.; providing for the Secretary of Juvenile Justice to be a member of the interagency task force for community juvenile justice partnership grants; amending s. 860.158, F.S.; revising the distribution of funds in the Florida Motor Vehicle Theft Prevention Trust Fund; amending s. 874.03, F.S.; redefining the term "pattern of youth and street gang activity" to eliminate "the purpose of furthering gang activity" for purposes of ch. 874, F.S., which increases the penalty for a felony or violent misdemeanor that is part of a pattern of youth and street gang activity, which provides a civil cause of action for a violation of the chapter, which provides for forfeiture of profits, proceeds, or instrumentalities of criminal activity of youth and street gangs, and which provides for reporting certain crime information; creating ss. 877.20-877.25, F.S.; providing legislative intent with respect to a curfew imposed on minors in this state; providing definitions; prohibiting a minor from being or remaining in a public place or establishment between certain hours; prohibiting a minor under a specified age who has been suspended or expelled from school from being or remaining in a public place, establishment, or school during certain hours; providing for a written warning and a penalty; requiring the law enforcement agency to attempt to contact the parent of a minor who violates a curfew; providing that the parent of a minor has a legal duty to ensure that the minor does not violate a curfew; providing for a written warning and a penalty; providing circumstances under which the curfew does not apply; providing that the curfew imposed by the act does not apply unless adopted by the governing body of a county or municipality; providing that the curfew imposed by the act may be superseded by a county or municipal ordinance; amending s. 943.045, F.S.; defining the term "criminal justice agency" to include the Department of Juvenile Justice for purposes of ss. 943.045-943.08, F.S., relating to criminal history records; amending s. 943.051, F.S.; requiring that the fingerprints of a minor who is charged with or found to have committed certain offenses be submitted to the Department of Law Enforcement; creating s. 943.0515, F.S.; providing for retaining the criminal history record of a minor for specified periods of time depending on whether the minor is classified as a serious or habitual juvenile offender under ch. 39, F.S.; providing circumstances under which an offender's criminal history record as a minor is merged with the offender's record as an adult; amending s. 943.052, F.S.; requiring the Department of Juvenile Justice to submit information to the Division of Criminal Justice Information Systems of the Department of Law Enforcement relating to the receipt or discharge of minors found to have committed certain specified offenses; amending s. 943.053, F.S.; requiring that the division provide a minor's criminal his-

tory record to a criminal justice agency for criminal justice purposes; requiring that the division provide a minor's criminal history record to certain governmental agencies for purposes of screening an applicant for employment or licensing; requiring that the division provide a minor's criminal history record to a school principal upon request; amending s. 943.056, F.S.; providing requirements for releasing a copy of a minor's criminal history record to the minor or his parent or legal guardian; amending s. 943.0581, F.S.; providing for the nonjudicial expunction of the arrest record of a minor; amending s. 943.0585, F.S.; providing circumstances under which the court may order the expunction of a minor's criminal history record; providing certain exceptions; requiring the Department of Corrections and each county to develop programs under which judges may order that certain juveniles be allowed to tour the detention facilities of the department or the county; prohibiting a person other than an agent of the Department of Juvenile Justice or the Department of Health and Rehabilitative Services from giving shelter to a minor without the consent of the minor's parent or guardian and without notifying a law enforcement officer, a child-caring agency, or a child-placing agency; providing a penalty; providing that the parent or guardian of a minor has a right of action against a person who unlawfully shelters the minor; requiring the Advisory Council on Intergovernmental Relations to study the impact of the act on local governments; requiring a report; providing legislative intent with respect to transferring certain provisions from ch. 39, F.S., relating to the Department of Juvenile Justice; providing appropriations; authorizing additional positions for the Department of Law Enforcement; authorizing the Governor to transfer vacant positions from the Department of Health and Rehabilitative Services to the Department of Juvenile Justice; providing for severability; providing an effective date.

—was read the second time by title.

SENATOR CHILDERS PRESIDING

Senator McKay moved the following amendment which was adopted:

Amendment 1—On page 124, strike all of lines 23 and 24 and insert: *law-related education curriculum and programs for grades K-12 structured and well supervised alternative education programs for children suspended or expelled from school.* It is the

Senators McKay and Siegel offered the following amendment which was moved by Senator McKay and adopted:

Amendment 2—On page 141, line 16, after the period (.) insert: *The proposal must establish to the satisfaction of the authority that the entity will contribute funds to the program in an amount that is at least equal to 15 percent of the amount of the grant.*

Senator McKay moved the following amendment which was adopted:

Amendment 3—On page 160, strike all of lines 10 and 11 and insert: *the case has been commenced by the court.*

Senator Kurth moved the following amendment which failed:

Amendment 4 (with Title Amendment)—On page 176, strike all of lines 18-25

And the title is amended as follows:

In title, on page 6, line 30 through page 7, line 2, strike all of said lines and insert: *with certain offenses; amending s. 39.0475, F.S.;*

Senators McKay and Siegel offered the following amendment which was moved by Senator McKay:

Amendment 5—On page 229, between lines 26 and 27, insert:

Section 73. (1) The sum of \$4,963,284 million is appropriated from the General Revenue Fund to the Department of Health and Rehabilitative Services for the 1994-1995 fiscal year to be allocated as follows:

(a) \$2 million for 6 months of operational funding and \$1.5 million for fixed capital outlay for five 20-bed addictions receiving facilities.

(b) \$1,122,375 for 6 months of operational funding and \$340,909 for fixed capital outlay for 30 children's crisis stabilization unit beds.

(2) The sum of \$1.4 million is appropriated from the Florida Motor Vehicle Theft Prevention Trust Fund to the Department of Juvenile Justice for the purpose of funding community juvenile justice partnership grants awarded under section 39.025, Florida Statutes.

Senator McKay moved the following amendment to **Amendment 5** which was adopted:

Amendment 5A—On page 1, lines 22 and 23, strike "to the Department of Juvenile Justice"

Amendment 5 as amended was adopted.

THE PRESIDENT PRESIDING

Senator Crenshaw moved the following amendment which failed:

Amendment 6—On page 206, strike all of lines 12-21 and renumber subsequent sections.

Senator McKay moved the following amendments which were adopted:

Amendment 7 (with Title Amendment)—On page 206, strike all of lines 12-21 and insert:

Section 50. Section 320.08046, Florida Statutes, is created to read:

320.08046 Surcharge on license tax; General Revenue Fund.—There is levied on each license tax imposed under s. 320.08, except those set forth in s. 320.08(11), a surcharge in the amount of 50 cents, which shall be collected in the same manner as the license tax. Of the proceeds of the license tax surcharge, 56 percent shall be deposited into the General Revenue Fund and 44 percent shall be deposited into the Florida Motor Vehicle Theft Prevention Trust Fund.

And the title is amended as follows:

In title, on page 10, strike all of lines 19-23 and insert: *such arrest; creating s. 320.08046, F.S.; imposing a surcharge on the motor vehicle license tax; providing for deposit of the proceeds of the surcharge into the General Revenue Fund and the Florida Motor Vehicle Theft Prevention Trust Fund;*

Amendment 8—On page 209, line 15, strike "five-sixths" and insert: *74 percent*

Senator Dudley moved the following amendment which was adopted:

Amendment 9 (with Title Amendment)—On page 218, lines 16-31 and on page 219, lines 1 and 2, strike all of said lines and insert:

Section 64. Subsections (2) and (3) of section 943.052, Florida Statutes, are amended to read:

943.052 Disposition reporting.—The division shall, by rule, establish procedures and a format for each criminal justice agency to monitor its records and submit reports, as provided by this section, to the division. The disposition report shall be developed by the division and shall include the offender-based transaction system number.

(2) Each clerk of the court shall submit the uniform dispositions to the division or in a manner acceptable to the division. The report shall be submitted at least once a month and, when acceptable by the division, may be submitted in an automated format. *The disposition report is mandatory for dispositions relating to adult offenders only.*

(3)(a) The Department of Corrections shall submit information to the division relating to the receipt or discharge of any person who is sentenced to a state correctional institution.

(b) *The Department of Juvenile Justice shall submit information to the division relating to the receipt or discharge of any minor who is found to have committed an offense that would be a felony if committed by an adult, or is found to have committed a misdemeanor specified in s. 943.051(3), and is committed to the custody of the Department of Juvenile Justice.*

And the title is amended as follows:

In title, on page 12, line 22, after the second semicolon (;) insert: *providing that the clerks of the court are required to report the dispositions relating to adult offenders only;*

Senators Forman and McKay offered the following amendment which was moved by Senator Forman and adopted:

Amendment 10 (with Title Amendment)—On page 229, between lines 20 and 21, insert:

Section 72. Task Force on Juvenile Sexual Offenders and Victims of Juvenile Sexual Abuse and Crimes.—

(1) The Legislature finds that the state's policy framework for the reporting, prevention, investigation, and treatment of juvenile sexual offenders has not been able to address the needs of this population or the needs of victims of juvenile sexual abuse and juvenile sexual crimes. It is the intent of the Legislature to examine the policy, procedures, and resources of the state designed to address this problem so that appropriate changes can be made in policy and programs to address the needs of the offenders and victims.

(2) There is created a Task Force on Juvenile Sexual Offenders and Victims of Juvenile Sexual Abuse and Crimes to examine and recommend changes to the state's current policy and program framework for the reporting, prevention, investigation, and treatment of juvenile sexual offenders and the treatment of victims of juvenile sexual abuse and juvenile sexual crimes. In addition, the task force is charged with educating policymakers and the public concerning its findings and recommendations.

(3) The task force shall be composed of 17 members, to be appointed by the Governor as follows:

(a) One member shall be a circuit court judge with at least 1 year's experience in the juvenile division.

(b) One member shall be from the field of law enforcement.

(c) One member shall be an assistant state attorney with at least 1 year's experience in the juvenile division.

(d) One member shall be an assistant public defender with at least 1 year's experience in the juvenile division.

(e) One member shall be a provider of a residential juvenile sexual offender treatment program.

(f) One member shall be a provider of a nonresidential treatment of juvenile sexual offenders.

(g) One member shall be from the Children and Families Program.

(h) One member shall be from the Juvenile Justice Program.

(i) One member shall be from the Alcohol, Drug Abuse, and Mental Health Program.

(j) One member shall be a child protective investigator.

(k) One member shall be from a child protection team.

(l) One member shall be a member of the House of Representatives.

(m) One member shall be a member of the Senate.

(n) Four members shall be appointed at large.

The task force members shall reflect the racial, gender, and ethnic diversity of the state and shall be selected for their leadership and knowledge on the issues of concern to the task force.

(4) The Governor shall appoint the chair. All appointments shall be made by June 1, 1994. In the event of a vacancy, the person who made the original appointment shall appoint a new member to fill the vacancy.

(5)(a) The task force shall analyze existing policy, programs, services, and resources in order to define a new direction for policy and programs.

(b) The task force shall develop a report which shall address, at a minimum, the following issues:

1. Delineation and examination of the merits of the issues and concerns regarding the law, policy, procedures, and resources of the state designed to address the problem of juvenile sexual abuse and crimes.

2. Definition of juvenile sexual offenders and victims of juvenile sexual abuse and crimes for the purpose of treatment.

3. Identification of the needs of the treatment system for offenders and victims.

4. Proposed changes to the law, policy, programs, and funding regarding offenders and victims.

5. Procedure for determining the effectiveness of programs for offenders and victims, including needed information system capacity and evaluation capacity.

6. Identification of areas or issues where consensus is lacking regarding the appropriate state response.

(6) The task force shall hold its first meeting no later than June 15, 1994, and shall submit its findings and recommendations to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the minority leaders of the Senate and the House of Representatives by December 31, 1994. Staff support shall be provided by the Executive Office of the Governor, the Department of Health and Rehabilitative Services, and the Department of Law Enforcement. The findings and recommendations of the task force may serve as the basis for a comprehensive reform proposal for the 1995 Regular Session of the Legislature.

(7) Members of the task force shall serve without compensation, but are entitled to receive reimbursement for per diem and travel expenses as provided in section 112.061, Florida Statutes.

Section 73. The activities of the task force shall be funded by an appropriation from the Crimes Against Children Criminal Profiling Trust Fund pursuant to section 943.041, Florida Statutes.

(Renumber subsequent sections.)

And the title is amended as follows:

In title, on page 14, line 3, after the semicolon (;) insert: creating the Task Force on Juvenile Sexual Offenders and Victims of Juvenile Sexual Abuse and Crimes; providing for appointments of members; providing responsibilities and report requirements;

Senators Siegel, McKay and Bankhead offered the following amendment which was moved by Senator Siegel and adopted:

Amendment 11—On page 230, strike all of lines 12-19 and insert:

Section 75. The sum of \$5,990,954 is appropriated from the General Revenue Fund to the Department of Juvenile Justice for the 1994-1995 fiscal year to be allocated for construction and operating costs of juvenile detention centers and staff-secure shelters. Of this amount, \$375,000 must be used for the costs of district juvenile justice boards.

Senators Crenshaw and Bankhead offered the following amendment which was moved by Senator Crenshaw and adopted:

Amendment 12—On page 230, between lines 19 and 20, insert:

Section 76. The Economic and Demographic Research Division of the Joint Legislative Management Committee is hereby directed to conduct a feasibility study of creating a statutory schedule for use by the Department of Juvenile Justice or the judicial system in determining the amount owed by the parent or guardian of a juvenile committed to the custody of the department for the care, support, and maintenance of the child. This study should include, but not be limited to, an evaluation of the minimal amount of financial information and supporting documentation needed from the parent or guardian, the applicability of existing child support guidelines and enforcement mechanisms, identification of relevant federal and state laws and rules which may impact on assessment ability, the development of a proposed schedule and an estimate of the amount of money likely to be generated, as well as associated collection costs. In addition, the study shall explore the merits of charging a fee based on the actual costs incurred by the parent or guardian for care normally provided in the home rather than program costs. A final report containing recommendations and draft legislation shall be submitted on or before October 31, 1994 to the President of the Senate and the Speaker of the House of Representatives.

(Renumber subsequent sections.)

On motion by Senator Siegel, by two-thirds vote **CS for CS for SB 68 and CS for SB's 2012, 230, 236, 248, 266, 274, 282, 392, 498, 674, 1306 and 1400** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40 Nays—None

MOTION

On motion by Senator Siegel, the rules were waived and **CS for CS for SB 68 and CS for SB's 2012, 230, 236, 248, 266, 274, 282, 392, 498, 674, 1306 and 1400** was ordered immediately certified to the House.

SENATOR SCOTT PRESIDING

CS for SB 1494—A bill to be entitled An act relating to dependent children; establishing legislative findings and intent; requiring plans for an objective assessment and case-planning process for dependent children requiring placement in alternate care under chapters 39 and 409, F.S.; requiring the Department of Health and Rehabilitative Services and other child-welfare professionals to develop and implement a district plan for alternate care; requiring recommendations for appropriations for selected district plans; providing for the review and selection of district plans; establishing a task force and providing for its membership, terms, and duties; requiring an evaluation by contract; requiring legislative reports; providing for legislative review and repeal of the task force; amending s. 409.165, F.S.; providing for foster-care payments directly to children; providing an effective date.

—was read the second time by title.

The Committee on Appropriations recommended the following amendment which was moved by Senator McKay and adopted:

Amendment 1—On page 8, strike line 28 and insert: Health Program Office of the Department of Health and

Senator McKay moved the following amendment which was adopted:

Amendment 2—On page 9, strike line 7 and insert: Services must evaluate the implementation of the

On motion by Senator McKay, by two-thirds vote **CS for SB 1494** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37 Nays—None

MOTION

On motion by Senator McKay, the rules were waived and **CS for SB 1494** was ordered immediately certified to the House.

Consideration of **CS for SB 2014** was deferred.

SB 46—A bill to be entitled An act relating to Apalachicola Bay oyster harvesting licenses; amending s. 370.06, F.S.; redefining the term "resident" for purposes of the license; revising provisions relating to license application periods and late application fees, which provisions were scheduled for repeal on July 1, 1994; providing an effective date.

—was read the second time by title. On motion by Senator Dantzler, by two-thirds vote **SB 46** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40 Nays—None

MOTION

On motion by Senator Dantzler, the rules were waived and **SB 46** was ordered immediately certified to the House.

SB 174—A bill to be entitled An act relating to administrative procedure; amending s. 120.54, F.S.; requiring a state agency to consider the impact on certain small counties before adopting, amending, or repealing a rule; providing requirements for the agency in reducing the impact of a rule; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations recommended the following amendment which was moved by Senator Williams and adopted:

Amendment 1—On page 1, strike line 29 and insert: definition is necessary to adapt a ~~any~~ rule to the needs and

On motion by Senator Williams, by two-thirds vote **SB 174** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39 Nays—None

MOTION

On motion by Senator Williams, the rules were waived and **SB 174** was ordered immediately certified to the House.

SB 448—A bill to be entitled An act relating to state employment; amending s. 110.227, F.S.; providing that use of false or faked credentials to obtain employment is grounds for suspension or dismissal from a Career Service System position; providing an effective date.

—was read the second time by title. On motion by Senator Bankhead, by two-thirds vote **SB 448** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40 Nays—None

MOTION

On motion by Senator Bankhead, the rules were waived and **SB 448** was ordered immediately certified to the House.

SB 454—A bill to be entitled An act relating to viticulture; amending s. 561.221, F.S.; revising requirements relating to the conduct of wine tastings and sales by certified Florida Farm Wineries at specified events; amending s. 564.06, F.S.; saving from future repeal a provision requiring deposit of a portion of the revenues collected from the excise taxes imposed on wine into the Viticulture Trust Fund; amending s. 599.002, F.S.; revising responsibilities and composition of the Viticulture Advisory Council; saving the council from future review and repeal; amending s. 599.003, F.S.; revising the State Viticulture Plan; saving the plan from future repeal; amending s. 599.012, F.S.; restating the purposes of the Viticulture Trust Fund; repealing s. 599.012(3), F.S., as created by section 16 of chapter 88-308, Laws of Florida, which provides for the future abolition of the Viticulture Trust Fund; repealing s. 599.001(4), F.S., which provides for the future repeal of the legislative declaration of public policy on viticulture; providing an effective date.

—was read the second time by title.

The Committee on Agriculture recommended the following amendment which was moved by Senator Childers and adopted:

Amendment 1—On page 2, line 7, strike "bottle" and insert: ~~bottle~~

On motion by Senator Childers, by two-thirds vote **SB 454** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39 Nays—None

MOTION

On motion by Senator Childers, the rules were waived and **SB 454** was ordered immediately certified to the House.

Consideration of **SB 580** was deferred.

SB 400—A bill to be entitled An act relating to the confidentiality of meetings and records of trauma care services; providing legislative intent and findings of public necessity for exemptions to public meetings and records; amending s. 395.3025, F.S.; providing for disclosure of patient records to a local or regional trauma agency or its panel or committee; amending s. 395.4025, F.S.; correcting cross-references; conforming provisions to changes made by the act; creating s. 395.51, F.S.; providing for confidentiality of records of quality assurance activities conducted by a local or regional trauma agency or its panel or committee; exempting certain meetings and records from the public meetings and records require-

ments; providing for review and repeal under the Open Government Sunset Review Act; amending s. 401.30, F.S.; providing for disclosure of patient information without the patient's consent to a local or regional trauma agency or its panel or committee assembled to assist in quality assurance activities; providing an effective date.

—was read the second time by title. On motion by Senator Forman, by two-thirds vote **SB 400** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

MOTION

On motion by Senator Forman, the rules were waived and **SB 400** was ordered immediately certified to the House.

SB 402—A bill to be entitled An act relating to trauma care services; amending s. 395.4025, F.S.; deleting obsolete provisions with respect to the process for selecting state-approved trauma centers; providing for the extension of provisional status of applicants for state-approved trauma centers or state-approved pediatric trauma centers; authorizing the Department of Health and Rehabilitative Services to require a trauma agency to disclose certain records for purposes of the department's quality assurance activities; deleting a provision making certain local or regional trauma agencies agents of the department for the purposes of s. 395.3025, F.S.; creating s. 395.50, F.S.; providing for disclosure of certain records by a hospital or an emergency medical services provider to an entity that performs quality assurance activities; exempting records of quality assurance activities from use in certain civil or administrative actions; limiting the liability of a person who performs quality assurance activities; providing for attorney's fees and costs if the defendant prevails in an action brought against a person for performing certain authorized activities; providing an effective date.

—was read the second time by title.

The Committee on Health Care recommended the following amendments which were moved by Senator Forman and adopted:

Amendment 1—On page 10, line 21, after "entity" insert: and to one another

Amendment 2—On page 6, lines 11, 19 and 26, after "*pediatric trauma*" insert: *referral*

On motion by Senator Forman, by two-thirds vote **SB 402** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39 Nays—None

MOTION

On motion by Senator Forman, the rules were waived and **SB 402** was ordered immediately certified to the House.

SB 1190—A bill to be entitled An act relating to public employees; amending s. 447.203, F.S.; redefining the term "public employee" to exclude certain persons whose positions of employment are regulated by the Florida Supreme Court; providing an effective date.

—was read the second time by title.

One amendment was adopted to **SB 1190** to conform the bill to **HB 2281**.

Pending further consideration of **SB 1190** as amended, on motion by Senator Dudley, by two-thirds vote **HB 2281** was withdrawn from the Committee on Personnel, Retirement and Collective Bargaining.

On motions by Senator Dudley, by two-thirds vote—

HB 2281—A bill to be entitled An act relating to public employees; amending s. 447.203, F.S.; redefining the term "public employee" to exclude certain persons who by virtue of their positions of employment are regulated by the Florida Supreme Court; providing an effective date.

—a companion measure, was substituted for **SB 1190** and by two-thirds vote read the second time by title. On motion by Senator Dudley, by two-thirds vote **HB 2281** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40 Nays—None

MOTION

On motion by Senator Dudley, the rules were waived and **HB 2281** was ordered immediately certified to the House.

Consideration of **CS for SB 1386** was deferred.

SB 1980—A bill to be entitled An act relating to nursing practice; creating s. 464.027, F.S.; providing for recognition of registered nurses who meet specified criteria as "registered nurse first assistants"; providing duties of health-care institutions; providing legislative intent; providing definitions; amending s. 627.419, F.S.; providing for payment to registered nurse first assistants under insurance contracts that provide for surgical first assisting benefits or services; amending s. 408.706, F.S.; including persons licensed under the Nurse Practice Act as alliance district health care providers for purposes of community health purchasing alliances; providing an effective date.

—was read the second time by title.

The Committee on Professional Regulation recommended the following amendment which was moved by Senator Myers and adopted:

Amendment 1—On page 2, line 11, strike "AORN" and insert: Association of Operating Room Nurses, Inc.

On motion by Senator Myers, by two-thirds vote **SB 1980** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39 Nays—None

MOTION

On motion by Senator Myers, the rules were waived and **SB 1980** was ordered immediately certified to the House.

SB 1262—A bill to be entitled An act relating to motor vehicles; amending s. 316.2397, F.S., which regulates lighting used on vehicles; authorizing vehicles of private watchman, guard, or patrol agencies licensed under chapter 493 to show, display, or flash amber lights while patrolling special taxing districts or special assessment districts; improving clarity; providing an effective date.

—was read the second time by title. On motion by Senator Diaz-Balart, by two-thirds vote **SB 1262** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

MOTION

On motion by Senator Diaz-Balart, the rules were waived and **SB 1262** was ordered immediately certified to the House.

SB 620—A bill to be entitled An act relating to telecommuting; amending s. 110.171, F.S.; providing for the state employee telecommuting program; providing definitions; providing for the duties of the Department of Management Services; providing for the duties of agencies which adopt a state employee telecommuting program; repealing s. 110.172, F.S., relating to the state employee telecommuting program; repealing s. 110.173, F.S., relating to the telecommuting advisory council; repealing s. 110.174, F.S., relating to a report; saving s. 110.171, F.S., from future repeal; providing an effective date.

—was read the second time by title.

The Committee on Personnel, Retirement and Collective Bargaining recommended the following amendment which was moved by Senator Meadows and failed:

Amendment 1 (with Title Amendment)—On page 4, line 24, strike the period (.) after 1994 and insert: , however, this act is repealed on October 1, 1998 and shall be reviewed by the Legislature prior to such date. In determining whether to reenact this section, the Legislature shall

consider, at a minimum, for the time period from July 1, 1994 through July 1, 1997 the following information which will be collected annually by the Department of Management Services and furnished to the Joint Committee on Information Technology Resources:

- (a) The number and percentage of telecommuters and managers who believe productivity has increased or decreased as a result of telecommuting and the estimated percentage of such increase;
- (b) The number and percentage of telecommuters and managers who believe the quality of work has increased or decreased as a result of telecommuting;
- (c) The number of disabled workers who telecommute;
- (d) The number of days per week which telecommuters telecommute;
- (e) The number of full-time, permanent work sites in the main office location which have been reduced as a result of telecommuting;
- (f) Information on the equipment used by telecommuters including, but not limited to:
 1. If the State purchased additional equipment for the telecommuter's sole use that otherwise would not have been purchased;
 2. The type of equipment used at the telecommuting location such as personal computers, lap-tops, portable computers; and
 3. Whether the equipment used at the telecommuting location is state-owned or the personal property of the telecommuter.

And the title is amended as follows:

In title, on page 1, lines 13 and 14, strike "saving s. 110.171, F.S., from future repeal" and insert: providing for the future repeal of s. 110.171, F.S., and providing for review criteria prior to such repeal

Senator Meadows moved the following amendment which was adopted:

Amendment 2 (with Title Amendment)—Strike everything after the enacting clause and insert:

Section 1. Section 110.171, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 110.171, F.S., for present text.)

110.171 State employee telecommuting program.—

- (1) As used in this section, the term:
 - (a) "Agency" means any official, officer, commission, board, authority, council, committee, or department of state government.
 - (b) "Department" means the Department of Management Services.
 - (c) "Telecommuting" means a work arrangement whereby selected state employees are allowed to perform the normal duties and responsibilities of their positions, through the use of computers or telecommunications, at home or another place apart from the employees' usual place of work.
- (2) The department shall:
 - (a) Establish and coordinate the state employee telecommuting program and administer this section.
 - (b) Appoint a statewide telecommuting coordinator to provide technical assistance to state agencies and to promote telecommuting in state government.
 - (c) Adopt administrative rules necessary to administer the state employee telecommuting program.
 - (d) Develop telecommuting guidelines for state agencies to follow which, at a minimum, must include:
 1. A description of the procedures and criteria to be used to identify employees that are to participate.
 2. The proposed training requirements for those employees who will participate.
 - (e) Identify state employees who are participating in a telecommuting program and their job classifications through the state personnel payroll information subsystem created under s. 110.116.

(3) By October 1, 1994, each state agency shall identify and maintain current a listing of the job classifications and positions that the agency considers appropriate for telecommuting. Agencies that adopt a state employee telecommuting program must:

- (a) Give equal consideration to career service and exempt positions in their selection of employees to participate in the telecommuting program.
- (b) Provide that an employee's participation in a telecommuting program will not adversely affect eligibility for advancement or any other employment rights or benefits.
- (c) Provide that participation by an employee in a telecommuting program is voluntary, and that the employee may elect to cease to participate in a telecommuting program at any time.
- (d) Adopt provisions to allow for the termination of an employee's participation in the program if the employee's continued participation would not be in the best interests of the agency.
- (e) Provide that an employee have at least a current satisfactory performance appraisal in order to participate in the program.
- (f) Ensure that employees participating in the program are subject to the same rules regarding attendance, leave, performance appraisals, and separation action as are other employees.
- (g) Establish the reasonable conditions that the agency plans to impose in order to ensure the appropriate use and maintenance of any equipment or items provided for use at a participating employee's home or other place apart from the employee's usual place of work, including the installation and maintenance of any telephone equipment and ongoing communications costs at the telecommuting site which is to be used for official use only.

(h) Prohibit state maintenance of an employee's personal equipment used in telecommuting, including any liability for personal equipment and costs for personal utility expenses associated with telecommuting.

(i) Describe the security controls that the agency considers appropriate.

(j) Provide that employees are covered by workers' compensation under chapter 440, when performing official duties at an alternate work-site, such as the home.

(k) Prohibit employees engaged in a telecommuting program from conducting face-to-face state business at the homesite.

(l) Require employees to arrange for a fire-safety inspection of the home with the local fire department to be conducted within 30 days after signing a telecommuting agreement, including the submission of the inspection report to the employee's supervisor to be filed with the agreement, as well as the employee's installation of adequate smoke detectors and fire extinguishers in the proximity of the home office.

(m) Require a written agreement that specifies the terms and conditions of telecommuting, which must be signed and agreed to by the telecommuter and the supervisor.

Section 2. Section 110.172, Florida Statutes, section 110.173, Florida Statutes, as amended by chapters 92-279 and 92-326, Laws of Florida, and section 110.174, Florida Statutes, are repealed.

Section 3. Section 110.171, Florida Statutes, as amended by this act, shall not stand repealed on October 1, 1994; however, section 110.171, Florida Statutes, is repealed on October 1, 1998 and must be reviewed by the Legislature prior to that date. In determining whether to reenact this section, the Legislature shall consider, at a minimum, for the time period from July 1, 1994, through July 1, 1997, the following information, which must be collected annually by the Department of Management Services and furnished to the Joint Committee on Information Technology Resources:

- (1) The number and percentage of telecommuters and managers who believe productivity has increased or decreased as a result of telecommuting and the estimated percentage of such increase;
- (2) The number and percentage of telecommuters and managers who believe the quality of work has increased or decreased as a result of telecommuting;
- (3) The number of disabled workers who telecommute;

(4) The number of days per week on which telecommuters telecommute;

(5) The number of full-time, permanent work sites in the main office location which have been reduced as a result of telecommuting;

(6) Information on the equipment used by telecommuters, including, but not limited to:

(a) If the state purchased additional equipment for the telecommuter's sole use that otherwise would not have been purchased;

(b) The type of equipment used at the telecommuting location such as personal computers, lap-tops, portable computers; and

(c) Whether the equipment used at the telecommuting location is state-owned or the personal property of the telecommuter.

Section 4. Paragraph (g) of subsection (2) of section 20.22, Florida Statutes, is amended, and subsection (4) is added to that section, to read:

20.22 Department of Management Services.—There is created a Department of Management Services.

(2) The following divisions and bureaus within the Department of Management Services are established:

(g) Division of Personnel Management Services.

1. Office of Labor Relations.

(4) *The duties of the Office of Labor Relations shall be determined by the Secretary of Management Services, and must include, but need not be limited to, the representation of the Governor as the public employer in collective bargaining negotiations pursuant to the provisions of chapter 447.*

Section 5. Subsection (2) of section 110.1099, Florida Statutes, is amended to read:

110.1099 Education and training opportunities for state employees.—

(2) The department of ~~Administration~~, in conjunction with the agencies, shall request that such institutions provide evening and weekend programs for state employees. When evening and weekend training and educational programs are not available, employees may be authorized, ~~when courses are job-related~~, to take paid time off during their regular working hours *for training and career development, as provided in s. 110.105(1), if such training benefits the employer.*

Section 6. Paragraphs (b), (c), (d), (f), and (g) of subsection (2) and paragraph (b) of subsection (3) of section 110.112, Florida Statutes, are amended to read:

110.112 Affirmative action; equal employment opportunity.—

(2)

(b) Each executive agency shall establish annual goals for ensuring full utilization of groups underrepresented in ~~its the work force of the executive agencies as compared to the relevant labor market geographic recruitment area~~, as defined by the ~~agency department~~. Each executive agency shall design its affirmative action plan to meet its established goals.

(c) An affirmative action-equal employment opportunity officer shall be appointed by the head of each executive agency. The affirmative action-equal employment opportunity officer's *responsibilities must include determining primary responsibility shall be to determine* annual goals, *monitoring monitor* agency compliance, and *providing provide* consultation to managers regarding progress, deficiencies, and appropriate corrective action.

(d) Each executive agency shall submit its affirmative action plan and annual goals to the department on or before October 1 of each year *for technical review and assistance.*

(f) The department shall provide to all supervisory personnel of ~~in~~ the executive agencies training in the principles of equal employment opportunity and affirmative action, the development and implementation of affirmative action plans, and the establishment of annual affirmative action goals. The department may contract for training services, and each participating agency shall reimburse the department for costs incurred through such contract. *After the department approves the contents of the training program for the agencies, the department may approve and may delegate this training to the executive agencies.*

(g) Each executive agency shall submit to the department, as a part of its annual ~~affirmative action training plan, as provided in paragraph (d)~~, a list of the ~~supervisory personnel individuals~~ to be trained pursuant to paragraph (f) and the time period within which the training will be provided.

(3) Each state attorney and public defender shall:

(b) Establish annual goals for ensuring full utilization of groups underrepresented in ~~its the work force of the executive agencies as compared to the relevant labor market force~~ in this state. The state attorneys' and public defenders' affirmative action plans must be designed to meet the established goals.

Section 7. Subsection (3) of section 110.114, Florida Statutes, is amended to read:

110.114 Employee wage deductions.—

(3) Notwithstanding the provisions of subsections (1) and (2), the deduction of ~~an employee's~~ membership dues deductions as defined in s. 447.203(15) for an employee organization as defined in s. 447.203(11) shall be authorized or permitted only for an organization ~~that which~~ has been certified as ~~the an~~ exclusive bargaining agent pursuant to chapter 447 for a unit of state employees *in which the employee is included*. Such deductions shall be subject to the provisions of s. 447.303.

Section 8. Subsection (3) of section 110.117, Florida Statutes, is amended to read:

110.117 Paid holidays.—

(3) Each ~~permanent~~ full-time employee ~~is shall be~~ entitled to one personal holiday ~~each per year~~. ~~Each part-time employee is entitled to a personal holiday each year which shall be calculated proportionately to the personal holiday allowed to a full-time employee.~~ Such personal holiday shall be credited to eligible employees on July 1 of each year to be taken prior to June 30 of the following year. Members of the teaching and research faculty of the State University System and administrative and professional positions exempted under s. 110.205(2)(d) ~~are s. 110.205(2)(e) shall not be eligible for this benefit.~~

Section 9. Subsection (5) of section 110.122, Florida Statutes, is amended to read:

110.122 Terminal payment for accumulated sick leave.—

(5) Any employee:

(a) Who is found guilty in a court of competent jurisdiction of committing, aiding, or abetting any embezzlement or theft from the employee's employer or bribery in connection with the employment, committed prior to retirement or 10-year normal creditable termination;

(b) Whose employment is terminated by reason of the employee having admitted committing, aiding, or abetting an embezzlement or theft from his employer or by reason of bribery ~~or for cause~~;

(c) Who, prior to 10-year normal creditable termination or retirement is adjudged by a court of competent jurisdiction to have violated any state law against strikes by public employees; or

(d) Who has been found guilty by a court of competent jurisdiction of violating any state law prohibiting strikes by public employees,

shall forfeit all rights and benefits under this section. An employee whose employment terminates as a result of an act committed subject to this subsection ~~or for cause~~ shall not be given credit for unused sick leave accumulated prior to termination should the employee be reemployed at a later date.

Section 10. Section 110.1246, Florida Statutes, is amended to read:

110.1246 Lump-sum bonus payments.—The department of ~~Management Services~~ may, by rule, authorize an agency head to approve a lump-sum bonus payment to reward an ~~employee outstanding employees~~ whose ~~performance exceeds standards~~. Such bonus payment shall be outside of the employee's regular base rate of pay and shall not carry over into subsequent years.

Section 11. Subsections (18), (19), and (26) of section 110.203, Florida Statutes, are amended to read:

110.203 Definitions.—For the purpose of this part and the personnel affairs of the state:

(18) "Promotion" means *the changing of the classification of moving an employee to a from a position in one class to a different position in another class having a higher maximum salary; or the changing of the classification of an employee to a class having the same or a lower maximum salary but a higher level greater degree of responsibility as determined by the Department of Management Services.*

(19) "Demotion" means *the changing of the classification of moving an employee to a from a position in one class to a different position in another class having a lower maximum salary; or the changing of the classification of an employee to a class having the same or a higher maximum salary but a lower level lesser degree of responsibility as determined by the Department of Management Services.*

(26) "Shared employment" means part-time career employment whereby the duties and responsibilities of a full-time position in the career service are divided among between part-time employees who are established as eligible for the position and who receive career service benefits and wages pro rata. In no case shall "shared employment" include the employment of persons paid from other-personal-services funds.

Section 12. Subsection (2) of section 110.209, Florida Statutes, is amended to read:

110.209 Pay plan.—

(2)(a) The department shall provide for broad, market-based salary ranges for classes within the career service and shall establish guidelines for the employing agencies to move employees through the salary ranges. The employing agencies may determine the appropriate salary within the ranges and guidelines adopted by the department. Such salary range, and the assignment of ranges to positions, shall not constitute rules within the meaning of s. 120.52(16).

(b) The department shall conduct wage and salary surveys as necessary for the purpose of achieving the goal of an equitable, competitive, market-based pay policy.

(c) The department shall establish, by rule, guidelines with respect to, and shall delegate to the employing agencies the authority to administer, the following:

1. Shift differentials.
2. On-call fees.
3. Hazardous-duty pay.
4. Advanced appointment rates.
5. Salary increase and decrease corrections.
6. Lead worker ~~worker/coordinator~~ pay.
7. Temporary special duties pay.
8. Trainer ~~Trainee~~ additive pay.
9. ~~Premium additive pay.~~
- 9.10. ~~Workplace Work~~ environment additive pay.
11. ~~Incentive additive pay.~~
- 10.12. Competitive area differentials.
11. Coordinator pay.

The employing agency must use such pay additives, as are appropriate, within the guidelines as established by the department and shall advise the department in writing of the plan for implementing such pay additives prior to the implementation date.

(d) The department shall review, in a postaudit capacity, any action taken by an agency in administering the provisions of the pay plan.

(e) *The department shall require the agency to take appropriate corrective action if records show that the action taken by the employing agency in administering the provisions of the pay plan does not conform to the rules adopted by the department.*

(f)(e) Any action taken by the department in regard to the revision or

establishment of a pay grade assignment which affects a department headed by a Cabinet officer or by the Governor and Cabinet may be reviewed by the Administration Commission, and the department's decision may be changed by a majority vote of the Administration Commission.

Section 13. Subsection (4) of section 110.211, Florida Statutes, is amended to read:

110.211 Recruitment.—

(4) ~~An Except for those classes for which examinations are given on a continuous basis, application for a publicly announced vacancy must vacancies shall be made directly to the employing agency.~~

Section 14. Subsection (1) of section 110.2135, Florida Statutes, is amended to read:

110.2135 Exemption from examination and hiring procedures; eligible disabled veterans; probationary employment.—

(1) An honorably discharged veteran who has wartime service as specified in s. 1.01(14), who has a service-connected disability rated at 30 percent or more by the United States Department of Veterans Affairs or its predecessor or the Armed Services of the United States, and who is a legal resident of this state ~~may be employed by a state agency in a competitive or noncompetitive position and is exempted~~ exempt from entrance examination requirements and hiring procedures administered by a state agency ~~the Department of Management Services~~ as long as the veteran meets the minimum eligibility requirements and has the knowledge, skills, and abilities required for the particular position, ~~or the veteran has been certified by vocational rehabilitation as an appropriate candidate for the position.~~

Section 15. Section 110.215, Florida Statutes, is amended to read:

110.215 Examinations and other employment qualification assessments administered to blind and deaf persons having disabilities; penalties.—

(1) The purpose of this section is to further the policy of the state to encourage and assist persons having disabilities ~~blind or deaf individuals~~ to achieve maximum personal and vocational independence through useful and productive gainful employment by eliminating unwarranted barriers to their qualifying competitively for state career service jobs.

(2) As used in this section, the term:

(a) "Blind person" means an individual having central visual acuity 20/200 or less in the better eye with correcting glasses or a disqualifying field defect in which the peripheral field has contracted to such an extent that the widest diameter or visual field subtends an angular distance no greater than 20 degrees.

(b) "Deaf person" means an individual having an 82 decibel loss of hearing and with whom manual communication is necessary to communicate.

(a)(e) "Agency" includes each department and agency of the state.

(b) "Disability" means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of the individual, or a record of having such an impairment, or being regarded as having such an impairment.

(c) "Examination" includes employment tests and other structured, systematic instruments used to assess the essential knowledge, skills, abilities, minimum qualifications, and other job-related requirements possessed by an applicant as a basis for any employment decision by an agency.

(3)(a) ~~An applicant The Department of Management Services, with respect to all competitive examinations administered by it or any other agency to applicants for employment within the State Career Service System who has a disability that impairs sensory, speaking, or manual skills may require an agency to administer any examination to him in a format and manner that does not require use of an impaired skill, unless the test is designed to measure that skill, shall adapt such examinations so that blind or deaf persons taking any such examinations can compete more equitably with sighted or hearing persons taking the examinations. An applicant may request a reasonable accommodation in a test format on the basis of a disability. The modifications or adaptations required by this subsection shall include, but not be limited to:~~

1. ~~The provision of at least 50 percent more time to complete the examination for the blind or deaf person taking the examination, to allow for the slowness of readers or interpreters.~~

2. ~~Competent reader service provided by the agency or by the appropriate blind services agency of the Department of Education or certified interpreter service provided by the agency or by the Division of Vocational Rehabilitation of the Department of Labor and Employment Security, at no expense to the blind person taking the examination.~~

3. ~~The exclusion from the examination of graphs, charts, tables, and questions which might, per se, be unfamiliar to a blind person or would be difficult for a blind person to interpret because of his blindness, such as, for example, estimating distances visually.~~

(b) ~~Each agency shall allow a blind or deaf person taking such an examination to use any necessary special equipment, aids, or appliances including, but not limited to:~~

1. ~~Note taking equipment, such as, for example, slate and stylus or Braillewriter.~~

2. ~~Computational aids, such as, for example, the eramer abacus, as a substitute for hand calculators for sighted competitors.~~

3. ~~Low vision aid devices.~~

(c) ~~Blind or deaf examinees shall be given sufficient privacy to ensure good testing conditions and prevent disruption of the testing environment of others.~~

(d) ~~If there are two or more blind or deaf examinees, they shall be seated either in separate rooms or far enough apart so that they do not interfere with or help one another.~~

(4) ~~The examination modifications and adaptations required under the provisions of this section shall be accomplished in consultation with the appropriate blind services agency of the Department of Education or the Office of Vocational Rehabilitation of the Department of Health and Rehabilitative Services and may be accomplished in consultation with the United States Civil Service Commission for utilization of current research findings. Rules promulgated pursuant to this section shall be jointly formulated by the Department of Management Services and the Department of Education.~~

(5) ~~No agency shall be allowed to evade the intent and meaning of this section. Any agent or employee of an agency who intentionally violates the provisions of this section is guilty of a misdemeanor of the second degree, punishable by a fine not to exceed \$500.~~

Section 16. Subsection (5) of section 110.219, Florida Statutes, is amended to read:

110.219 Attendance and leave; general policies.—

(5) Rules shall be adopted by the department in cooperation and consultation with the agencies to implement the provisions of this section; however, such rules ~~must~~ *shall* be approved by the Administration Commission prior to their adoption. Such rules ~~must~~ *shall* provide for, but ~~need~~ *shall* not be limited to:

(a) The maximum responsibility and authority resting with each agency head to administer attendance and leave matters in the agency within the parameters of the rules adopted by the department.

(b) ~~Continuous service with one or more state agencies without a break in service.~~

(b)(e) Creditable service in which 1 month of service credit is awarded for each calendar month that the employee is on the payroll of a state agency or during which the employee is on authorized leave without pay.

(c)(d) Holidays as provided in s. 110.117, which shall be observed as paid holidays.

(d)(e) Overtime provisions.

(e)(f) Annual leave provisions.

(f)(g) Sick leave provisions.

(g)(h) Parental leave provisions.

(h)(i) Family medical leave provisions.

(i)(j) Disability leave provisions.

(j)(k) Compulsory disability leave provisions.

(k)(l) Administrative leave provisions.

(l)(m) Military leave provisions.

(m)(n) Educational leave with pay provisions.

(n)(o) Leave of absence without pay provisions.

Section 17. Subsection (4) of section 110.235, Florida Statutes, is amended to read:

110.235 Training.—

(4) ~~Each employing agency~~ *The Department of Management Services shall annually evaluate and report to the department annually the training it has implemented and the progress it has made in the area of training. The department shall review and consolidate the information reported to it by the agencies in each employing agency and shall annually report the progress of the agencies in training to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the progress made by each agency in the area of training.*

Section 18. Section 2 of chapter 89-13, Laws of Florida, is repealed.

Section 19. Section 22 of chapter 91-431, Laws of Florida, is repealed.

Section 20. This act shall take effect July 1, 1994.

And the title is amended as follows:

In title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to state personnel; amending s. 110.171, F.S.; providing for the state employee telecommuting program; providing definitions; providing for the duties of the Department of Management Services; providing for the duties of agencies which adopt a state employee telecommuting program; repealing s. 110.172, F.S., relating to the state employee telecommuting program; repealing s. 110.173, F.S., relating to the telecommuting advisory council; repealing s. 110.174, F.S., relating to a report; saving s. 110.171, F.S., from future repeal; providing for future repeal of s. 110.171, F.S., and criteria for review prior to such repeal; amending s. 20.22, F.S.; creating the Office of Labor Relations in the Department of Management Services; providing for the office to represent the Governor as the public employer in collective bargaining negotiations; amending s. 110.1099, F.S.; providing for training and career development for state employees; amending s. 110.112, F.S.; revising provisions pertaining to affirmative action and equal opportunity programs; amending s. 110.114, F.S.; clarifying that an employee's union membership dues deduction may be made only for the union certified to represent the employee; amending s. 110.117, F.S.; providing personal holiday leave for part-time employees; revising a cross-reference; amending s. 110.122, F.S.; revising sick leave forfeiture provisions; amending s. 110.1246, F.S.; revising provisions for awarding lump-sum bonus payments to employees; amending s. 110.203, F.S.; revising definitions of the terms "promotion," "demotion," and "shared employment" for purposes of the career service; amending s. 110.209, F.S.; revising provisions applicable to the career service pay plan; amending s. 110.211, F.S., relating to recruitment; deleting an obsolete provision relating to examinations; amending s. 110.2135, F.S., relating to the exemption from examination and hiring procedures for certain disabled veterans; updating terminology; amending s. 110.215, F.S.; providing for examinations and other employment qualification assessments administered to persons having disabilities; amending s. 110.219, F.S., relating to attendance and leave; deleting the definition of the term "continuous service" and revising the definition of the term "creditable service"; amending s. 110.235, F.S.; requiring agencies to annually evaluate the training they implement and to provide to the department progress reports, to be consolidated by the department into an annual report; repealing s. 2, ch. 89-13, Laws of Florida, which provides for the review and repeal of ss. 110.401-110.407, F.S., relating to the Senior Management Service System, and of ss. 110.601-110.607, F.S., relating to the Selected Exempt Service System; repealing s. 22, ch. 91-431, Laws of Florida, which provides for amendments to ch. 110, F.S., by ch. 91-431, Laws of Florida, to be implemented through collective bargaining; providing an effective date.

On motion by Senator Meadows, by two-thirds vote **SB 620** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—40 Nays—None

MOTION

On motion by Senator Meadows, the rules were waived and **SB 620** was ordered immediately certified to the House.

THE PRESIDENT PRESIDING

CS for SB 2016—A bill to be entitled An act relating to license plates; providing for the issuance of a Save the Children license plate; providing fees; providing for proceeds of the fees to be deposited into the Juvenile Crime Prevention and Early Intervention Trust Fund within the Department of Juvenile Justice; providing a distribution formula; providing for proceeds of the fees to be used by the department to fund programs to prevent juvenile delinquency; providing for the design of the license plate to be approved by the Department of Highway Safety and Motor Vehicles; providing for automatic deauthorization of the plate in certain circumstances; providing a contingent effective date.

—was read the second time by title. On motion by Senator Siegel, by two-thirds vote **CS for SB 2016** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40 Nays—None

MOTION

On motion by Senator Siegel, the rules were waived and **CS for SB 2016** was ordered immediately certified to the House.

On motion by Senator Burt, by two-thirds vote **HB 21** was withdrawn from the Committee on Criminal Justice.

On motions by Senator Burt, by two-thirds vote—

HB 21—A bill to be entitled An act relating to sexual battery prosecutions; amending s. 794.022, F.S.; providing evidentiary considerations relating to use of a prophylactic device; providing an effective date.

—a companion measure, was substituted for **SB 356** and by two-thirds vote read the second time by title. On motion by Senator Burt, by two-thirds vote **HB 21** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40 Nays—None

MOTION

On motion by Senator Burt, the rules were waived and **HB 21** was ordered immediately certified to the House.

CS for SB 70—A bill to be entitled An act relating to theft; creating s. 713.3451, F.S.; providing that, for 2 years following the declaration of an emergency, it is unlawful for a contractor to receive moneys under a contract to make improvements to residential real property and thereafter fail to use the moneys for certain purposes in fulfilling the contract and to perform the work contracted for within a specified time; providing penalties; providing an effective date.

—was read the second time by title.

The Committee on Criminal Justice recommended the following amendment which was moved by Senator Jones:

Amendment 1 (with Title Amendment)—On page 1, line 13, strike everything after the enacting clause and insert:

Section 1. Subsection (11) is added to section 252.36, Florida Statutes, to read:

252.36 Emergency management powers of the Governor.—

(11) *In the case of a major or catastrophic disaster that causes damage to a significant number of residential structures, the executive order of proclamation of a state of emergency may provide that:*

(a) *During the term of the executive order or proclamation, any contractor who receives any payment of money for the repair, restoration, improvement, or construction of residential real property may use that money only for:*

1. *The purchase of materials to be used on the real property;*
2. *To pay for work performed on the real property;*
3. *To pay for permit fees, impact fees, or other government fees or charges actually incurred in connection with the work to be done on the real property; or*
4. *To pay other necessary expenses and overhead incurred with relation to the real property, the total of which may not exceed 15 percent of the money received.*

(b) *During the term of the executive order or proclamation, a contractor who receives money totalling more than 10 percent of the contract price for repair restoration, improvement, or construction to residential real property:*

1. *Must apply, within 30 days after the date payment is made, for permits necessary to do the work; and*
2. *Must start the work within 90 days after the date all necessary permits for work have been issued, unless the person who made the payment agreed, in writing, to a longer period.*

(c) *Any contractor who violates a provision of the executive order or proclamation which is included under the authority granted to the Governor by this subsection is guilty of theft and shall be prosecuted and punished under s. 812.014.*

For purposes of this subsection, the term "contractor" includes all definitions as set forth in s. 489.105(3), and any person performing or contracting or promising to perform work described therein, without regard to the licensure of said person.

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

In title, on page 1, strike all of lines 2-11 and insert: An act relating to theft; amending s. 252.36, F.S.; authorizing an executive order of proclamation of a state of emergency to require contractors to use construction payments only for certain purposes and to apply for permits and begin work within a time certain; providing a definition of contractor; providing penalties; providing an effective date.

Senator Jones moved the following substitute amendment which was adopted:

Amendment 2 (with Title Amendment)—Strike everything after the enacting clause and insert:

Section 1. Section 252.361, Florida Statutes, is created to read:

252.361 Moneys received by contractors during an emergency order or proclamation.—

(1) For purposes of this section, the term "contractor" includes all definitions as set forth in s. 489.105(3), and any person performing or contracting or promising to perform work described therein, without regard to the licensure of the person.

(2) During the term of the executive order or proclamation issued under s. 252.36, any contractor who receives any payment of money for the repair, restoration, improvement, or construction of residential real property damaged by the disaster may use the funds only:

- (a) For the purchase of materials to be used on the real property;
- (b) To pay for work performed on the real property;
- (c) To pay for permit fees, impact fees, or other government fees or charges actually paid in connection with the work to be done on the real property;

(d) To pay other necessary expenses and overhead incurred with respect to the real property, the total of paid expenses and overhead not to exceed 15 percent of the money received.

(3) During the term of the executive order or proclamation issued under s. 252.36, a contractor who receives money totalling more than 10 percent of the contract price for repair, restoration, improvement, or construction to residential real property damaged by the disaster must:

- (a) Apply for permits necessary to do work within 30 days after the date payment is made; and

(b) Start the work within 90 days after the date all necessary permits for work are issued, unless the person who made the payment agreed, in writing, to a longer period.

(4)(a) Proof that a contractor received money for the repair, restoration, addition, improvement, or construction of residential real property damaged by the disaster and the amount received exceeds the value of the work performed by the contractor and that:

1. The contractor failed to perform any of the work for which he contracted during any 60-day period;

2. The failure to perform any such work during the 60-day period was not related to the owner's termination of the contract or a material breach of the contract by the owner; and

3. The contractor failed, for an additional 30-day period after the date of mailing of notification as specified in paragraph (b), to perform any work for which he contracted,

gives rise to an inference that the money in excess of the value of the work performed was taken with the intent to defraud.

(b) Notification as contemplated in paragraph (a) consists of a certified letter, return receipt requested, mailed to the address of the contractor as listed in the written contracting agreement. The letter must indicate that the contractor has failed to perform any work for a 60-day period, that the failure to perform the work was not the result of the owner's termination of the contract or a material breach of the contract by the owner, and that the contractor must recommence construction within 30 days after the date of mailing of the letter. If there is no address for the contractor listed in the written contracting agreement, or no written agreement exists, the letter must be mailed to the address of the contractor listed in the building permit application.

(5) Any person who violates any provision of this section is guilty of theft and shall be prosecuted and punished under s. 812.014.

Section 2. This act applies to all emergency orders and emergency proclamations previously issued in response to Hurricane Andrew, and applies prospectively from the effective date of this act for a period of 2 years in the geographic area covered by the emergency order and emergency proclamation.

Section 3. This act shall take effect upon becoming a law.

And the title is amended as follows:

In title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to emergency management; creating s. 252.361, F.S.; providing a limitation on the use of funds received by a contractor during an emergency; providing requirements for work contracted during the emergency; providing circumstances under which receiving certain moneys infers intent to defraud; providing a penalty; providing for application; providing an effective date.

On motion by Senator Jones, by two-thirds vote **CS for SB 70** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39 Nays—None

MOTION

On motion by Senator Jones, the rules were waived and **CS for SB 70** was ordered immediately certified to the House.

MOTION

On motion by Senator Kirkpatrick, the rules were waived and time of recess was extended until final action on **CS for SB 2014**.

CS for SB 2014—A bill to be entitled An act relating to education; clarifying responsibilities of the Department of Education, school districts, and child care providers for meeting the first state education goal, readiness to start school; requiring the Department of Education to develop a state plan for the Chapter I program; prohibiting a school district from reporting for funding any kindergarten students unless the district has collected the key data elements for the first state education goal; amending s. 20.19, F.S.; requiring district administrators of the Department of Health and Rehabilitative Services to cooperate with district

school superintendents to meet the first state education goal; amending s. 230.23, F.S.; requiring school districts to cooperate with other agencies to prepare children and families for children's success in school; amending s. 230.2305, F.S.; requiring school district plans for the prekindergarten early intervention program to state how the program supports the district's efforts to achieve the first state education goal; amending s. 230.33, F.S.; requiring district school superintendents to cooperate with the district administrator of the Department of Health and Rehabilitative Services and administrators of local public and private agencies to meet the first state education goal; creating s. 233.059, F.S.; requiring education for family life and parenthood; amending s. 402.3015, F.S.; requiring subsidized child care programs serving children below age 5 to provide the elements necessary to prepare children for school; requiring central agencies for child care to ensure the quality of the subsidized child care programs serving children below age 5; providing a sanction; requiring the Department of Health and Rehabilitative Services to seek federal waivers if necessary; amending s. 409.933, F.S.; requiring parental activities for AFDC recipients; amending s. 409.938, F.S.; requiring AFDC recipients to submit proof that their children have received standard childhood immunizations; providing sanctions; providing for transfer of funds from the Department of Health and Rehabilitative Services to school districts; amending s. 421.10, F.S.; requiring a housing authority to require certain parental activities in the lease to parents of dependent children; amending s. 411.222, F.S.; establishing the role of the State Coordinating Council for Early Childhood Services to coordinate agency activities to enable school districts to meet the first state education goal, readiness to start school; requiring home economics teachers to be certified as counselors in family life education; amending s. 228.041, F.S.; deleting the definition of the terms "suspension" and "expulsion" for purposes of the Florida School Code; providing for dealing with an habitual truant as a child in need of services rather than as a dependent child under ch. 39, F.S.; amending ss. 228.091, 228.093, F.S.; deleting references to students under suspension or expulsion to conform to changes made by the act; amending s. 230.23, F.S.; requiring district school boards to provide alternative classes, alternative programs, and disciplinary programs for the control and discipline of students; amending s. 39.054, F.S.; requiring an agent of the Department of Health and Rehabilitative Services to notify a child's school guidance counselor if the child is found to have committed a delinquent act; amending s. 230.33, F.S.; requiring the school superintendent to recommend alternative classes and programs and disciplinary programs to the school board for the control and discipline of students; deleting the authority of a school superintendent to recommend the suspension or the expulsion of a student to the school board; amending s. 232.01, F.S.; requiring a parent's permission for a child to drop out of school at a specified age; amending s. 232.19, F.S.; deleting the requirements that school districts provide educational evaluation and the services of a school social worker before initiating a petition to declare a habitual truant a child in need of services; amending s. 39.436, F.S.; authorizing the school superintendent to file a petition seeking an adjudication that a child is a child in need of services due to habitual truancy; amending s. 232.26, F.S.; deleting the authority of a school principal to recommend the suspension or the expulsion of a student; amending s. 232.275, F.S.; exempting school personnel from civil and criminal liability for certain actions; deleting a reference to the suspension and the expulsion of students; amending s. 232.276, F.S.; requiring district school boards to develop parenting workshops for the parents or guardians of students with disciplinary problems; amending s. 232.41, F.S.; deleting the authority of district school boards to suspend or expel students; amending s. 233.061, F.S.; requiring that students be taught the principles of moral and ethical conduct; requiring that students be taught certain common duties and obligations, traditional values, reverence for the institution of marriage, and respect for authority; creating s. 233.0655, F.S.; authorizing district school boards to allow teachers and administrators to read or post certain writings, documents, and records related to American history; providing for distribution of the section; amending s. 235.02, F.S.; providing circumstances under which an educational facility may be used for an activity sponsored by a religious organization; amending s. 409.145, F.S.; deleting references to the expulsion of students from school to conform to changes made by the act; amending ss. 228.121, 232.2468, F.S.; conforming cross-references to changes made by the act; providing for schools to adopt school creeds; prescribing minimum contents of school creeds; requiring each school board to develop a plan for parents to select among public schools for their children's enrollment; requiring the State University System to develop a curriculum for students in educational alternative schools or programs; providing legislative findings with respect to the need for alternative programs for disruptive students; creating a reduction and elimination schedule for expulsion and out-of-school suspension; requiring a

joint plan by each district school board and the state agency responsible for administering juvenile justice programs; requiring technical assistance in planning for certain districts; providing that no student will be expelled or suspended out of school after a certain date; requiring a proposed budget request; providing for plan approval and the award of grants; authorizing the State Board of Education to adopt rules; amending s. 231.17, F.S.; providing requirements for teacher certification; amending s. 231.24, F.S.; authorizing the use of certain training programs for renewal of teaching certificates; amending s. 236.0811, F.S.; providing requirements for school district master plans for the inservice training of teachers; providing conditions for implementation; providing effective dates.

—was read the second time by title.

The Committee on Appropriations recommended the following amendment which was moved by Senator Holzendorf:

Amendment 1 (with Title Amendment)—On page 24, line 15 through page 65, line 15, strike all of said lines and insert:

Section 15. Paragraph (a) of subsection (1) of section 39.054, Florida Statutes, is amended to read:

39.054 Powers of disposition.—

(1) The court which has jurisdiction of an adjudicated delinquent child shall have the power, by an order stating the facts upon which a determination of a sanction and rehabilitative program was made at the disposition hearing, to:

(a) Place the child in a community control program under the supervision of an authorized agent of the department or of any other person or agency specifically authorized and appointed by the court, whether in the child's own home, in the home of a relative of the child, or in some other suitable place under such reasonable conditions as the court may direct. *The agent authorized to supervise the child shall advise the child's school guidance counselor that the child has been found to have committed a delinquent act and shall regularly communicate with the guidance counselor to ensure that the child's needs are being met by the school. In addition, the school guidance counselor shall regularly communicate with the agent about the child's activities, attendance, deportment, and academic performance.* A community control program for an adjudicated delinquent child must include a penalty component such as restitution in money or in kind, community service, a curfew, revocation or suspension of the driver's license of the child, or other nonresidential punishment appropriate to the offense and must also include a rehabilitative program component such as a requirement of participation in substance abuse treatment or in school or other educational program.

1. A restrictiveness level classification scale for levels of supervision shall be provided by the department, taking into account the child's needs and risks relative to community control supervision requirements to reasonably ensure the public safety. Community control programs for children shall be supervised by the department or by any other person or agency specifically authorized by the court. These programs must include, but are not limited to, structured or restricted activities as described in this paragraph, and shall be designed to encourage the child toward acceptable and functional social behavior. If supervision or a program of community service is ordered by the court, the duration of such supervision or program must be consistent with any treatment and rehabilitation needs identified for the child and may not exceed the term for which sentence could be imposed if the child were committed for the offense. When restitution is ordered by the court, the amount of restitution shall not exceed an amount the child and his parents could reasonably be expected to pay or make. A child who participates in any work program under the provisions of this chapter shall be considered an employee of the state for purposes of liability, unless otherwise provided by law.

2. The court may conduct judicial review hearings for a child placed on community control for the purpose of fostering accountability to the judge and compliance with other requirements, such as restitution and community service. The court may allow early termination of community control for a child who has substantially complied with the terms and conditions of community control.

3. If the conditions of the community control program are violated, the agent supervising the community control program as it relates to the child involved, or the state attorney, may bring the child before the court

on a petition alleging a violation of the program. If the child denies that he has violated the conditions of his program, the court shall give him an opportunity to be heard in person or through counsel, or both. Upon his admission or after such hearing, if the court finds that the conditions of the community control program have been violated, the court shall enter an order revoking, modifying, or continuing the program. In all cases after a revocation, the court shall enter a new disposition order and shall have full power at that time to make any disposition it could have made at the original disposition hearing.

4. Notwithstanding the provisions of s. 743.07 and subsection (4), and except as provided in s. 39.058, the term of any order placing a child in a community control program must be until his 19th birthday unless he is released by the court, on the motion of an interested party or on its own motion.

Section 16. Paragraph (c) of subsection (1) of section 232.01, Florida Statutes, is amended to read:

232.01 Regular school attendance required between ages of 6 and 16; permitted at age of 5; exceptions.—

(1)

(c) A child who attains the age of 16 years during the school year *is shall* not be required to attend school beyond the date upon which he attains that age. *However, a child 16 or 17 years of age must have the written permission of his parent or legal guardian to drop out of school.*

Section 17. Section 232.19, Florida Statutes, is amended to read:

232.19 Court procedure and penalties.—The court procedure and penalties for the enforcement of the provisions of this chapter, relating to compulsory school attendance, shall be as follows:

(1) COURT JURISDICTION.—The circuit court has original and exclusive jurisdiction of all proceedings against, or prosecutions of, children under the provisions of this chapter. Proceedings against, or prosecutions of, parents or employers as provided by this section shall be in the court of each county having jurisdiction of misdemeanors wherein trial by jury is afforded the defendant.

(2) NONENROLLMENT AND NONATTENDANCE CASES.—In each case of nonenrollment or of nonattendance upon the part of a child who is required to attend some school, when no valid reason for such nonenrollment or nonattendance is found, the superintendent shall institute a criminal prosecution against the child's parent.

(3) HABITUAL TRUANCY CASES.—

(a) In case a child becomes a habitual truant, the school administration shall file with the circuit court a complaint alleging the facts, and the child shall be dealt with as a child in need of services according to the provisions of chapter 39. Prior to and subsequent to the filing of a child-in-need-of-services petition due to habitual truancy, the appropriate governmental agencies shall allow a reasonable time period to complete actions required by this subsection to remedy the conditions leading to the truant behavior. The following criteria shall be met and documented in writing prior to the filing of a petition:

1. The child must have been absent from school with or without the knowledge or consent of the child's parent or legal guardian and must not be exempt from attendance by virtue of being over the age of compulsory school attendance or by meeting the criteria in s. 232.06, s. 232.09, or any other exemption specified by law or the rules of the State Board of Education;

2. In addition to the actions described in ss. 230.2313(3)(c) and 232.17, the school administration must have completed the following escalating activities to determine the cause, and to attempt the remediation, of the child's truant behavior:

a. One or more meetings must have been held between a school attendance professional or school social worker, the child's parent or guardian, and the child, if necessary, to report and to attempt to solve the truancy problem. However, if the school attendance professional or school social worker has documented the refusal of the parent or guardian to participate in the meetings, then this requirement has been met and the school administration must have proceeded to the next escalating activity;

b. Educational counseling must have been provided to determine whether curriculum changes would help solve the truancy problem, and, if any changes were indicated, such changes must have been instituted but proved unsuccessful in remedying the truant behavior. Such curriculum changes may have included enrollment of the child in an alternative education program that met the specific educational and behavioral needs of the child; and

c. Educational evaluation, which may have included psychological evaluation, must have been provided to assist in determining the specific condition, if any, that is contributing to the child's nonattendance. The evaluation must have been supplemented by specific efforts by the school to remedy any diagnosed condition; and

3. A school social worker or other person designated by the school administration, if the school does not have a school social worker, ~~and an intake officer of the Department of Health and Rehabilitative Services~~ must have jointly investigated the truancy problem ~~or, if that was not feasible, have performed separate investigations~~ to identify conditions which may be contributing to the truant behavior; and if, after a joint staffing of the case to determine the necessity for services, such services were determined to be needed, the persons who performed the investigations must have met jointly with the family and child to discuss any referral to appropriate community agencies for economic services, family or individual counseling, or other services required to remedy the conditions that are contributing to the truant behavior.

(b) The failure or refusal of the parent or legal guardian to participate, or to make a good faith effort to participate, in the activities prescribed for his involvement pursuant to this subsection shall cause proceedings to be brought against the parent or legal guardian pursuant to this section. The failure or refusal of the parent or legal guardian to participate will not automatically cause the child to be handled as a child in need of services pursuant to this subsection. The school administration ~~and the Department of Health and Rehabilitative Services~~ shall continue to work with the child to remedy the conditions causing the truant behavior. If, after a reasonable period of time, the truant behavior persists, the child may be handled as a habitual truant pursuant to this section and chapter 39. The failure or refusal of the child to participate, or make a good faith effort to participate, in the activities required by this subsection, even though the child's parent or legal guardian has attempted to comply, will cause the child to be handled as a habitual truant pursuant to this section and chapter 39 if the child's truant behavior has persisted. The continued truant behavior of the child, even though both the parent or legal guardian and the child have complied with the activities prescribed in this subsection, will cause the child to be considered a habitual truant, and the child shall be handled as such pursuant to this section and chapter 39.

(4) ATTENDANCE REGISTER AS EVIDENCE.—The register of attendance of pupils at a public, parochial, denominational, or private school, or of pupils taught by a private tutor, kept in compliance with rules and regulations of the state board is prima facie evidence of the facts which it is required to show. A certified copy of any rule or regulation and a statement of the date of its adoption and promulgation by the state board is admissible as prima facie evidence of the provisions of such rule or regulation and of the date of its adoption or promulgation.

(5) PROCEEDINGS AND PROSECUTIONS; WHO MAY BEGIN.—Proceedings or prosecutions under the provisions of this chapter may be begun by the superintendent, by an attendance assistant, by the probation officer of the county, by the executive officer of any court of competent jurisdiction, or by an officer of any court of competent jurisdiction, or by a duly authorized agent of the Department of Education.

(6) PENALTIES.—The penalties for refusing or failing to comply with the provisions of this chapter shall be as follows:

(a) The parent.—A parent who refuses or fails to have a child who is under his control attend school regularly, or who refuses or fails to comply with the requirements in subsection (3), is guilty of a misdemeanor of the second degree, punishable as provided by law. The continued or habitual absence of a child without the consent of the principal or teacher in charge of the school he attends or should attend, or of the tutor who instructs or should instruct him, is prima facie evidence of a violation of this chapter; however, the court of the appropriate jurisdiction, upon finding that the parent has made a bona fide and diligent effort to control and keep the child in school, shall excuse the parent from any criminal liability prescribed herein and shall refer the parent and child for counseling, guidance, or other needed services.

(b) The principal or teacher.—A principal or teacher in charge of a school, public, parochial, denominational, or private, or a private tutor who willfully violates any provision of this chapter may, upon satisfactory proof of such violation, have his certificate revoked by the Department of Education.

(c) The employer.—An employer who fails to notify the superintendent when he ceases to employ a child is guilty of a misdemeanor of the second degree, punishable as provided by law.

Section 18. Subsection (1) of section 39.436, Florida Statutes, is amended to read:

39.436 Petition for a child in need of services.—

(1) All proceedings seeking an adjudication that a child is a child in need of services shall be initiated by the filing of a petition by an attorney for the department, *except that the school superintendent may file a petition seeking an adjudication that a child is a child in need of services due to habitual truancy if the school administration has completed the actions required under s. 232.19 to remedy the conditions leading to the truant behavior.* If a child in need of services has been placed in a shelter pursuant to s. 39.422, the petition shall be filed immediately and contain notice of arraignment pursuant to s. 39.44.

Section 19. Section 233.061, Florida Statutes, is amended to read:

233.061 Required instruction.—Members of the instructional staff of the public schools, subject to the rules and regulations of the state board and of the school board, shall teach efficiently and faithfully, using the books and materials required, following the prescribed courses of study, and employing approved methods of instruction the following: The content of the Declaration of Independence and how it forms the philosophical foundation of our government; the arguments in support of adopting our republican form of government, as they are embodied in the most important of the Federalist Papers; the essentials of the United States Constitution and how it provides the structure of our government; flag education, including proper flag display and flag salute; the elements of civil government; the elementary principles of agriculture; the true effects of all alcoholic and intoxicating liquors and beverages and narcotics upon the human body and mind; *the principles of moral and ethical conduct; the common duties and obligations necessary to ensure and promote an orderly, lawful, moral, and civil society, thereby enhancing collective security and well-being; the traditional values of self-restraint, obedience to the law, sobriety, honesty, truthfulness, that working is better than not working, and financial self-support; reverence for the institution of marriage, which includes the importance of children being born within a loving marital relationship, chastity, fidelity, the need for children to have positive parental influences, and the responsibility of both parents for the upbringing of their children; respect for authority; kindness to animals; the history of the state; conservation of natural resources; and such additional materials, subjects, courses, or fields in such grades as may be prescribed by law or by regulations of the state board and the school board in fulfilling the requirements of law; provided, that state and district school officials shall furnish and put into execution a system and method of teaching the true effects of alcohol and narcotics on the human body and mind, provide the necessary textbooks, literature, equipment, and directions, see that such subjects are efficiently taught by means of pictures, charts, oral instruction, and lectures and other approved methods, and require such reports as are deemed necessary to show the work which is being covered and the results being accomplished, and provided further, that any child whose parent shall present to the school principal a signed statement that the teaching of disease, its symptoms, development, and treatment, and the viewing of pictures or motion pictures of such subjects conflict with the religious teachings of their church, shall be exempt from such instruction, and no child so exempt shall be penalized by reason of such exemption.*

Section 20. Section 233.0655, Florida Statutes, is created to read:

233.0655 Writings, documents, and records of American history.—Each district school board is authorized to allow any teacher or administrator to read or post in a public school building or classroom, or at any school-related event, any excerpt or portion of the following: the national motto; the national anthem; the pledge of allegiance; the Constitution of the State of Florida, including the Preamble; the Constitution of the United States, including the Preamble; the Bill of Rights; the Declaration of Independence; the Mayflower Compact; the Emancipation Proclamation; the writings, speeches, documents, and proclamations of the founders of the United States, the presidents of the United States, and the

leaders in the national civil rights movement; United States Supreme Court decisions; and acts of the United States Congress. There shall be no content-based censorship of American history or heritage based on religious references in these writings, documents, and records. Upon the effective date of this section, the Department of Education shall distribute a copy of this section to each school district, whereupon each school superintendent shall distribute a copy to all school personnel.

Section 21. Section 235.02, Florida Statutes, is amended to read:

235.02 Use of buildings and grounds.—The board, including the Board of Regents, may permit the use of educational facilities and grounds for any legal assembly or for community use centers or may permit the same to be used as voting places in any primary, regular, or special election. *If the board permits the use of an educational facility for activities sponsored by community organizations, it may not prohibit the use of the facility for an activity sponsored by a religious organization if the activity is open to the public and is conducted after the hours during which public education programs are conducted at the facility. However, neither the board nor the administration of the facility may endorse or sponsor the religious organization's activity.* The board shall adopt rules necessary to protect educational facilities and grounds when used for ~~such~~ purposes authorized by this section.

Section 22. Each district school board shall adopt rules that authorize each school within the district to create a school creed that can be repeated by teachers, administrators, and students at the beginning of each school day. If a school creates a school creed, it must include, but is not limited to, a statement encouraging:

- (1) Respect for authority and for other persons;
- (2) Obeying the law;
- (3) Morality;
- (4) Duty to country; and
- (5) Sobriety and refrainment from the use of unlawful drugs.

Section 23. Each district school board must develop a plan for allowing a parent to select a school for his child from among all the public schools in the district that enroll students of the same age as his child. The plan must be developed by January 1, 1995, and must be implemented beginning with the 1995-1996 school year.

Section 24. Subsection (2) of section 231.17, Florida Statutes, is amended to read:

231.17 Certificates granted on application to those meeting prescribed requirements.—

(2) MINIMUM COMPETENCIES.—

(a) Each professional certificate issued shall be valid for a period not to exceed 5 years. Each applicant for initial professional certification shall demonstrate, on a comprehensive written examination or through such other procedures as may be specified by the state board, mastery of those minimum essential generic and specialization competencies and other criteria as shall be adopted into rules by the state board, including, but not limited to, the following:

1. The ability to write in a logical and understandable style with appropriate grammar and sentence structure;
2. The ability to read, comprehend, and interpret professional and other written material;
3. The ability to comprehend and work with fundamental mathematical concepts;
4. The ability to recognize signs of severe emotional distress in students and to apply techniques of crisis intervention with emphasis on suicide prevention and positive emotional development;
5. The ability to recognize signs of alcohol and drug abuse in students and to apply counseling techniques with emphasis on intervention and prevention of future abuse;
6. The ability to recognize the physical and behavioral indicators of child abuse and neglect, to know rights and responsibilities regarding reporting, to know how to care for a child's needs after a report is made, and to know recognition, intervention, and prevention strategies pertaining to child abuse and neglect that can be related to children in a classroom setting in a nonthreatening, positive manner;

7. The ability to comprehend patterns of physical, social, and academic development in students, including exceptional students in the regular classroom, and to counsel the same students concerning their needs in these areas;

8. The ability to recognize and be aware of the instructional needs of exceptional students; and

9. *The ability to recognize disorders of development in students and employ appropriate intervention strategies.*

(b) The state board shall adopt rules ~~that~~ *which* specify the minimum essential generic and subject matter competencies to be demonstrated by means of the written examination and those to be demonstrated by other means. The written examination may be taken by any individual enrolled in a postsecondary institution who pays the appropriate fee and completes the required application procedures prior to graduation. The examination shall require a candidate to demonstrate the following:

1. Mastery of general knowledge, including the ability to read, write, and compute;
2. Mastery of professional skills; and
3. Mastery of the subject matter in each area for which certification is being sought. However, an applicant may satisfy the subject area and professional knowledge testing requirements by attaining scores on corresponding tests from the National Teachers Examination series that meet standards established by the state board.

The College Level Academic Skills Test or a similar test approved by the state board shall be used by degree personnel to demonstrate mastery of general knowledge as required in subparagraph 1.

(c) Each person seeking initial certification shall have attained at least a 2.5 overall grade point average on a 4.0 scale in the applicant's major field of study.

(d) *Each person seeking initial certification shall have earned 6 college credits in courses related to normal child development and the disorders of development.*

(e)(~~d~~) A person who meets all certification requirements ~~that~~ *which* have been established by law or rule, other than the passing of the examination and the successful completion of the first year of the professional orientation program or the completion of professional education courses in which the applicant is deficient, may be issued a nonrenewable, 2-year temporary certificate. However, the State Board of Education shall adopt rules to allow for the issuance of one nonrenewable 2-year temporary certificate and one nonrenewable 5-year professional certificate to an individual who holds a bachelor's degree in the area of speech-language impairment ~~impaired~~ to allow for completion of a master's degree program in speech-language ~~impaired~~ *impaired*, to allow for the issuance of one additional 2-year temporary certificate when the requirements for the professional certificate were not completed because of the serious illness, injury, or other extraordinary, extenuating circumstance of the applicant, or to allow a person employed less than 99 days during the first year of teaching to extend the certificate for 1 additional year. The department shall issue, pursuant to this section, a certificate upon the written request of the district school superintendent, the governing authority of a developmental research school, or the governing authority of a nonpublic school with an approved professional orientation program.

(f)(~~e~~) The commissioner, with the approval of the state board, may assign to a university in the state system the responsibility for printing, administering, scoring, and providing appropriate analysis of the written tests required.

(g)(~~f~~) The state board shall adopt as a rule a score the achievement of which shall be required for the issuance of a professional certificate and certain temporary certificates.

(h)(~~g~~) Provision shall be made for a person who does not achieve the score necessary for certification to review his completed examination and bring to the attention of the department any errors ~~that~~ *which* would result in a passing score.

(i)(~~h~~) The department and the board shall maintain confidentiality of the examination, developmental materials, and workpapers, and the examination, developmental materials, and workpapers shall be exempt from the provisions of s. 119.07(1). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. The board shall adopt such rules as may be necessary to accomplish this purpose.

(j)(4) The state board shall designate the certification areas for which subject area tests shall be developed.

Section 25. Paragraph (a) of subsection (2) of section 231.24, Florida Statutes, is amended to read:

231.24 Renewal of certificates.—

(2) For the renewal of a professional certificate, the following requirements shall be met:

(a)1. The applicant shall earn a minimum of 6 college credits or 120 inservice points or a combination thereof. For each area of specialization to be retained on a certificate, the applicant shall earn at least 3 of the required credit hours or equivalent inservice points in the specialization area. Credits or points that provide training to teachers in the area of exceptional student education, *normal child development*, and the *disorders of development* may be applied toward any specialization area. Credits or points earned through approved summer institutes may be applied toward the fulfillment of these requirements. Inservice points may also be earned by participation in professional growth components approved by the State Board of Education and specified pursuant to s. 236.0811 in the district's approved 5-year master plan for inservice educational training, including, but not limited to, serving as a trainer in an approved teacher training activity or serving on an instructional materials committee or a state board or commission *that which* deals with educational issues.

2. In lieu of college course credit or inservice points, the applicant may renew a specialization area by passage of a state board approved subject area test or by completion of a department-approved summer work program in a business or industry directly related to an area of specialization listed on the certificate. The state board shall adopt rules providing for the approval procedure.

3. In the event an applicant wishes to retain more than two specialization areas on the certificate, the applicant shall be permitted two successive validity periods for renewal of all specialization areas. However, at no time shall *fewer less* than 6 college course credit hours or the equivalent be earned in any one validity period.

Section 26. Paragraph (a) of subsection (2) of section 236.0811, Florida Statutes, is amended to read:

236.0811 Educational training.—

(2)(a)1. Pursuant to rules of the State Board of Education, each district shall develop and submit to the commissioner for approval a 5-year master plan for inservice educational training. The plan shall be based on an assessment of the inservice educational training needs of the district conducted by a committee *that which* includes parents, classroom teachers, and other educational personnel. The plan shall include a component consisting of competencies in the identification, assessment, and prescription of instruction for exceptional students. The plan shall also include a component consisting of competencies in the identification, assessment, and prescription of instruction for child abuse and neglect prevention and for substance and alcohol abuse prevention. *In addition, the plan must include a component to provide regular training to classroom teachers on advances in the field of normal child development and the disorders of development.* The plan must also include a component consisting of competencies in instruction for multicultural sensitivity in the classroom. The plan shall be updated annually by July 1 and shall include inservice activities for all district employees from all fund sources. Classroom teachers and guidance counselors shall be required to participate in the inservice training for child abuse and neglect prevention, for alcohol and substance abuse prevention education, and for multicultural sensitivity education, which may include negotiation and conflict resolution training. The department shall withhold approval of any district's master inservice plan, as required by this section, which fails to provide and require training in substance abuse prevention education pursuant to s. 233.067(4)(c)1. for all classroom teachers and guidance counselors.

2. The plan of each school district for inservice educational training submitted pursuant to this paragraph must include inservice components *that which* may be used for extension of a certificate or a new endorsement in each of the following areas: a study of the middle grades, understanding the student in the middle grades, organizing interdisciplinary instruction in the middle grades, curriculum development in the middle grades, developing critical thinking and creative thinking in students in

the middle grades, counseling functions of the teacher in the middle grades, developing creative learning materials for the middle grades, and planning and evaluating programs in the middle grades. The department is authorized to waive one or more of these inservice areas if the district can document its unsuccessful attempt to secure a competent trainer or sufficient enrollment or when the department determines that specific validated competencies may be substituted in lieu of such inservice areas. The State Board of Education shall adopt rules necessary to implement the provisions of this subparagraph.

Section 27. Section 239.403, Florida Statutes, is created to read:

239.403 After-school hours programs.—

(1)(a) The Legislature finds that adolescents and pre-adolescents benefit from after-school activities and interaction supervised by adults, especially adolescents who otherwise might spend the time unsupervised in areas in which crime or vandalism flourish. The Legislature intends to provide encouragement and means to school districts to plan and implement coordinated programs of wholesome after-school activities for adolescents, with special attention to programs that are successful in enrolling and maintaining the attendance of adolescents who are economically disadvantaged. To meet this intent, a program should appeal to children whose parents are able to pay fees adequate to support the program as well as to children who need financial assistance. However, all programs should include some economically disadvantaged children.

(b) The Legislature encourages school districts to use state funds provided for these programs to build upon or extend similar programs already available so that they serve more children. These programs should not replace or supplant privately supported programs.

(2) To use funds appropriated for after-school programs under this section, a school district must submit to the Commissioner of Education a plan for implementing an after-school program for children in grades 6 through 8. The district school board shall serve as fiscal agent. The plan must identify the locations where services will be provided and may include public school property or other sites that meet safety requirements for group activity of the type proposed. Sites must be located to provide easy access by parents, especially parents of economically disadvantaged children.

(3) The plan must describe how the school district will coordinate with other local organizations.

(a) The policies and procedures for operation and access for the program must be determined by an interagency board and described in an interagency agreement. The planning board must include eligible students and their parents, and may include representatives of other organizations that have expertise with children or adolescents. These organizations may include school advisory councils, community-based organizations, juvenile justice councils, child care providers, the Department of Health and Rehabilitative Services, service organizations of local students, business-education partnerships, and not-for-profit agencies. Any local organization providing assistance must agree in writing with the supervising agency regarding the use and maintenance of equipment or facilities. School districts are encouraged to seek opportunities for contracting or cooperating with other organizations to provide needed services.

(b) To provide the maximum number of services to adolescents and their families, all agencies or programs that deal with children, especially teenagers, should be involved in planning the program.

(c) Personnel to whom adolescents in the program are assigned are not required to be certified pursuant to s. 231.17, but must comply with screening requirements pursuant to ss. 231.02 and 231.1713.

(4) A plan must include the estimated number of participants in the program and the estimated percentage who are economically disadvantaged. The plan must describe strategies for marketing the program and encouraging participation by the intended population. Students who are members of the intended population should participate in the planning and recruitment process.

(5) The activities to be provided by the program should be based upon a needs assessment that includes a survey of the students who are to be in the program, including students who are expected to pay fees and those whose fees are to be paid by the state. A program must provide at least the following activities:

(a) Recreation, especially intramural sports with appropriate facilities and equipment.

(b) Time and assistance for students to do homework or school projects.

(c) Other activities that are developmentally appropriate for adolescents, including time to socialize, read for recreation, or engage in self-directed unstructured activities.

(6) The program must assure that no eligible student is denied access because he lacks transportation.

(7) The program may charge differentiated fees based on a student's ability to pay. State funds may be used to pay fees for a student who is economically disadvantaged or who is recommended to the program by a school guidance counselor or an official of a participating agency who has knowledge of the student's need for supervised activity after school. Program planners are encouraged to provide funding for students who are at-risk, even if these at-risk students are not economically disadvantaged.

(8) The Legislature, in the General Appropriations Act, shall determine the allocation of funds provided for after-school programs.

(9) Each school district must evaluate the program based on the participation rate of its intended population. The participation rate is determined by dividing the average daily attendance in the program by the number of students who attended the program at least one day during a grading period. The intended population is all students in grades 6 through 8 who are eligible for free or reduced-price lunch and whose parents are unable to provide adult supervision during the hours of 3:00 to 6:00 pm. The intended population also includes students in grades 6 through 8 who are recommended by the school district, a state agency, or another participating organization. The district must also report the participation rate of fee-paying students.

(10) The district school board must maintain a record of the attendance of each student for whom the state provides funding, and must calculate the per-student cost per day for their participation.

(11) Annually the Commissioner of Education shall rank the programs based on their participation rates and cost per day for participation, and shall analyze programs with high participation and efficiency rates and provide technical assistance to program administrators so that successful practices may be disseminated statewide.

(12) If a school sponsors a program or a component of a program implemented under this section, the principal must annually report the status of the program to the school advisory council. This report may be part of the annual school report. If a program is sponsored by a district school board rather than a school, the district advisory council has the responsibilities described in this subsection. The status report must include a description of how the program affected the achievement of Goal 5 of the School Reform and Accountability Act, the number of students who participated, the number who did not participate, the expenditures by type, and the evaluation report. If a district or school advisory council requests further evaluation of the program's success, the principal or district school board may use state funds to contract for the evaluation or to conduct the evaluation. If further evaluation is conducted, it must include a survey of students who participated in the program and of students who did not.

(13) The State Board of Education may adopt rules to implement this section.

Section 28. This act shall take effect July 1, 1994.

And the title is amended as follows:

In title, on page 2, line 30 through page 6, line 5, strike all of said lines and insert: education; amending s. 39.054, F.S.; requiring an agent of the Department of Health and Rehabilitative Services to notify a child's school guidance counselor if the child is found to have committed a delinquent act; amending s. 232.01, F.S.; requiring a parent's permission for a child to drop out of school at a specified age; amending s. 232.19, F.S.; deleting the requirements that school districts perform a joint investigation with an intake officer of the Department of Health and Rehabilitative Services before initiating a petition to declare a habitual truant a child in need of services; amending s. 39.436, F.S.; authorizing the school superintendent to file a petition seeking an adjudication that a child is a child in need of services due to habitual truancy; amending s. 233.061,

F.S.; requiring that students be taught the principles of moral and ethical conduct; requiring that students be taught certain common duties and obligations, traditional values, reverence for the institution of marriage, and respect for authority; creating s. 233.0655, F.S.; authorizing district school boards to allow teachers and administrators to read or post certain writings, documents, and records related to American history; providing for distribution of the section; amending s. 235.02, F.S.; providing circumstances under which an educational facility may be used for an activity sponsored by a religious organization; providing for schools to adopt school creeds; prescribing minimum contents of school creeds; requiring each school board to develop a plan for parents to select among public schools for their children's enrollment; requiring school boards to implement the plan by a specified date; amending s. 231.17, F.S.; providing requirements for teacher certification; amending s. 231.24, F.S.; authorizing the use of certain training programs for renewal of teaching certificates; amending s. 236.0811, F.S.; providing requirements for school district master plans for the inservice training of teachers; creating s. 239.403, F.S.; providing for school districts to develop after-school programs for adolescents; providing criteria for program plans; specifying the activities to be provided by an after-school program; providing for fees based on a student's ability to pay; providing for after-school programs to be funded by legislative appropriations; requiring school districts to evaluate programs; requiring the Commissioner of Education to rank the programs and provide certain technical assistance; requiring reports; authorizing the State Board of Education to adopt rules; providing an effective date.

Senator Holzendorf moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A (with Title Amendment)—On page 4, line 11 through page 9, line 8, strike all of said lines and insert:

Section 17. Subsection (3) of section 232.19, Florida Statutes, is amended to read:

232.19 Court procedure and penalties.—The court procedure and penalties for the enforcement of the provisions of this chapter, relating to compulsory school attendance, shall be as follows:

(3) **HABITUAL TRUANCY CASES.**—~~If (a) In case~~ a child becomes a habitual truant, the school administration ~~must shall~~ file with the circuit court a complaint alleging the facts, and the child ~~must shall~~ be dealt with as a child in need of services according to the provisions of chapter 39. Prior to and subsequent to the filing of a child-in-need-of-services petition due to habitual truancy, the appropriate governmental agencies ~~must shall~~ allow a reasonable time period to complete actions required by this subsection to remedy the conditions leading to the truant behavior. The following criteria ~~must shall~~ be met and documented in writing prior to the filing of a petition:

(a)1. The child must have been absent from school with or without the knowledge or consent of the child's parent or legal guardian and must not be exempt from attendance by virtue of being over the age of compulsory school attendance or by meeting the criteria in s. 232.06, s. 232.09, or any other exemption specified by law or the rules of the State Board of Education; and

(b)2. In addition to the actions described in ss. 230.2313(3)(c) and 232.17, the school administration must have completed the following ~~escalating~~ activities to determine the cause, and to attempt the remediation, of the child's truant behavior:

1.a. One or more meetings must have been held between a school attendance professional or school social worker, the child's parent or guardian, and the child, if necessary, to report and to attempt to solve the truancy problem. However, if the school attendance professional or school social worker has documented the refusal of the parent or guardian to participate in the meetings, ~~then this requirement has been met and the school administration must have proceeded to the next escalating activity; and~~

2.b. Educational counseling must have been provided to determine whether curriculum changes would help solve the truancy problem, and, if any changes were indicated, ~~the such~~ changes must have been instituted but proved unsuccessful in remedying the truant behavior. ~~The Such~~ curriculum changes may have included enrollment of the child in an alternative education program that met the specific educational and behavioral needs of the child; ~~and~~

~~e. Educational evaluation, which may have included psychological evaluation, must have been provided to assist in determining the specific condition, if any, that is contributing to the child's nonattendance. The evaluation must have been supplemented by specific efforts by the school to remedy any diagnosed condition; and~~

~~3. A school social worker or other person designated by the school administration, if the school does not have a school social worker, and an intake officer of the Department of Health and Rehabilitative Services must have jointly investigated the truancy problem or, if that was not feasible, have performed separate investigations to identify conditions which may be contributing to the truant behavior; and if, after a joint staffing of the case to determine the necessity for services, such services were determined to be needed, the persons who performed the investigations must have met jointly with the family and child to discuss any referral to appropriate community agencies for economic services, family or individual counseling, or other services required to remedy the conditions that are contributing to the truant behavior.~~

~~(b) The failure or refusal of the parent or legal guardian to participate, or to make a good faith effort to participate, in the activities prescribed for his involvement pursuant to this subsection shall cause proceedings to be brought against the parent or legal guardian pursuant to this section. The failure or refusal of the parent or legal guardian to participate will not automatically cause the child to be handled as a child in need of services pursuant to this subsection. The school administration and the Department of Health and Rehabilitative Services shall continue to work with the child to remedy the conditions causing the truant behavior. If, after a reasonable period of time, the truant behavior persists, the child may be handled as a habitual truant pursuant to this section and chapter 39. The failure or refusal of the child to participate, or make a good faith effort to participate, in the activities required by this subsection, even though the child's parent or legal guardian has attempted to comply, will cause the child to be handled as a habitual truant pursuant to this section and chapter 39 if the child's truant behavior has persisted. The continued truant behavior of the child, even though both the parent or legal guardian and the child have complied with the activities prescribed in this subsection, will cause the child to be considered a habitual truant, and the child shall be handled as such pursuant to this section and chapter 39.~~

And the title is amended as follows:

In title, on page 25, strike all of lines 21-23 and insert: provide educational evaluation and the services of a school social worker before initiating a

Senator Holzendorf moved the following amendment to **Amendment 1**:

Amendment 1B (with Title Amendment)—On page 13, strike all of lines 7 and 8 and insert: developed by January 1, 1995.

And the title is amended as follows:

In title, on page 26, strike all of lines 18 and 19 and insert: amending s. 231.17, F.S.;

Further consideration of CS for SB 2014 with pending **Amendment 1B** was deferred.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, March 9, 1994: CS for CS for SB 68 and CS for SB's 2012, 230, 236, 248, 266, 274, 282, 392, 498, 674, 1306 and 1400; CS for SB 1494, CS for SB 2014, SB 46, SB 174, SB 448, SB 454, SB 580, SB 400, SB 402, SB 1190, CS for SB 1386, SB 1980, SB 1262, SB 620, SB 356, CS for SB 70, SB 130, SB 328, CS for SB 1482, CS for SB 2176, CS for SB 1392, SB 1362, SB 1340, SB 40

Respectfully submitted,
George Kirkpatrick, Chairman

The Committee on Finance, Taxation and Claims recommends the following pass: SB 2112 with 1 amendment

The Committee on Professional Regulation recommends the following pass: SB 2208

The bills contained in the foregoing reports were referred to the Committee on Agriculture under the original reference.

The Committee on Commerce recommends the following pass: SB 204, SB 1612, SB 1836, CS for SB 1992

The Committee on Community Affairs recommends the following pass: SB 2092, CS for SB 2272, SB 2284

The Committee on Criminal Justice recommends the following pass: SB 202 with 1 amendment

The Committee on Education recommends the following pass: SB 1244 with 3 amendments, SB 1622, SB 1768 with 1 amendment

The Committee on Finance, Taxation and Claims recommends the following pass: SB 342, SB 408, SB 572 with 1 amendment, SB 1010 with 1 amendment, SB 1248, CS for SB 1332

The bills contained in the foregoing reports were referred to the Committee on Appropriations under the original reference.

The Committee on Community Affairs recommends the following pass: SB 2428 with 4 amendments

The bill was referred to the Committee on Commerce under the original reference.

The Committee on Agriculture recommends the following pass: SB 2112

The Committee on Commerce recommends the following pass: SB 1462

The Committee on Finance, Taxation and Claims recommends the following pass: SB 664, SB 1584 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Community Affairs under the original reference.

The Committee on Community Affairs recommends the following pass: CS for SB 176, SB 2466 with 2 amendments

The bills were referred to the Committee on Finance, Taxation and Claims under the original reference.

The Committee on Criminal Justice recommends the following pass: SB 1794 with 3 amendments

The Committee on Education recommends the following pass: SB 1800, SB 2320 with 3 amendments

The Committee on Natural Resources and Conservation recommends the following pass: SB 2290 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Governmental Operations under the original reference.

The Committee on Criminal Justice recommends the following pass: SB 2188 with 1 amendment

The bill was referred to the Committee on Judiciary under the original reference.

The Committee on Education recommends the following pass: SB 2414

The bill was referred to the Committee on Personnel, Retirement and Collective Bargaining under the original reference.

The Committee on Appropriations recommends the following pass: CS for SB 1494 with 1 amendment, CS for SB 2014 with 4 amendments

The Committee on Commerce recommends the following pass: HB 341, SB 284, SB 1522, SB 1820

The Committee on Community Affairs recommends the following pass: CS for SB 428

The Committee on Criminal Justice recommends the following pass: SB 1856

The Committee on Education recommends the following pass: SB 1376

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SB 1346

The bill with committee substitute attached was referred to the Committee on Agriculture under the original reference.

The Committee on Corrections, Probation and Parole recommends a committee substitute for the following: SB 1806

The Committee on Finance, Taxation and Claims recommends committee substitutes for the following: SJR 390, SB 1074, SB 1448

The Committee on Governmental Operations recommends a committee substitute for the following: SB 2524

The Committee on Health Care recommends a committee substitute for the following: SB 2116

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: SB 1784

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Appropriations under the original reference.

The Committee on Governmental Operations recommends a committee substitute for the following: SB 1862

The Committee on Health Care recommends a committee substitute for the following: SB 2504

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Commerce under the original reference.

The Committee on Agriculture recommends a committee substitute for the following: SB 2038

The bill with committee substitute attached was referred to the Committee on Community Affairs under the original reference.

The Committee on Community Affairs recommends committee substitutes for the following: SB 1920, SB 1928

The Committee on Governmental Operations recommends a committee substitute for the following: SB 2522

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SB 2162

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Finance, Taxation and Claims under the original reference.

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SB 1422

The bill with committee substitute attached was referred to the Committee on Governmental Operations under the original reference.

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: SB 182

The bill with committee substitute attached was referred to the Committee on Health Care under the original reference.

The Committee on Governmental Operations recommends committee substitutes for the following: SB 576, SB 1232

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: SB 1246

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.

The Committee on Health Care recommends a committee substitute for the following: SB 2110

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SB 1068

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Rules and Calendar under the original reference.

The Committee on Appropriations recommends a committee substitute for the following: CS for SB 68 and CS for SB's 2012, 230, 236, 248, 266, 274, 282, 392, 498, 674, 1306 and 1400

The Committee on Executive Business, Ethics and Elections recommends a committee substitute for the following: SB 2334

The Committee on Finance, Taxation and Claims recommends a committee substitute for the following: SB 690

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: SB 1640

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senators Diaz-Balart, Casas and Gutman—

SB 1690—A bill to be entitled An act relating to postsecondary education; creating s. 240.63, F.S.; authorizing a college of law as part of Florida International University; providing duties of the Board of Regents and others; providing authority to accept grants and other available funds; providing an effective date.

—was referred to the Committees on Education and Appropriations.

Senate Bills 1692 - 2780 were previously referenced.

By Senator Wexler—

SB 2782—A bill to be entitled An act relating to the human immunodeficiency virus; amending s. 381.004, F.S.; providing for persons entering certain health care facilities to be offered HIV testing; providing that post-test counseling need not be offered to a person whose HIV test results are negative; amending s. 384.25, F.S.; revising provisions for the reporting of HIV infection; amending s. 384.31, F.S.; requiring the Department of Health and Rehabilitative Services to include a requirement of serological testing of pregnant women; amending s. 455.26, F.S.; providing duties of the Impaired Practitioners Committee in adopting procedures for provision of health-care services by HIV-positive practitioners; creating s. 455.2601, F.S.; requiring health care practitioners who are infected with HIV to notify the Impaired Practitioners Consultant; providing an effective date.

—was referred to the Committees on Health Care and Professional Regulation.

By Senator Kirkpatrick—

SB 2784—A bill to be entitled An act relating to education; clarifying responsibilities of the Department of Education, school districts, and child-care providers for meeting the first state education goal, readiness to start school; requiring the Department of Education to develop a state plan for the federal Chapter-I program; prohibiting a school district from reporting for funding under the Florida Education Finance Program any kindergarten students unless the district has collected the key data elements prescribed for the first state education goal; amending s. 230.23, F.S.; requiring school districts to cooperate with other agencies in preparing children and families for children's success in school; amending s. 230.2305, F.S.; requiring school district plans for the prekindergarten early intervention program to state how the program supports the district's efforts to achieve the first state education goal; amending s. 230.33, F.S.; requiring district school superintendents to cooperate with the district administrator of the Department of Health and Rehabilitative Services and administrators of local public and private agencies to meet the first state education goal; amending s. 402.3015, F.S.; requiring subsidized child-care programs serving children below age 5 to provide the elements necessary to prepare children for school; amending s. 409.933, F.S.; revising "learnfare" requirements; amending s. 409.938, F.S.; providing for reduction in benefits for recipients of aid to families with dependent children if proof of immunization of their children is not provided; amending s. 411.222, F.S.; establishing the role of the State Coordinating Council for Early Childhood Services to coordinate agency activities to enable school districts to meet the first state education goal; providing an effective date.

—was referred to the Committees on Education; Health and Rehabilitative Services; and Appropriations.

By Senator Dyer—

SB 2786—A bill to be entitled An act relating to the Department of Education; authorizing and directing the Commissioner of Education to reorganize the department to implement the provisions of "Blueprint 2000," ss. 229.591-229.594, F.S., and to report to the Legislature and the Governor on the implementation of that plan; providing for reorganization of the Florida School for the Deaf and the Blind of the department as a political subdivision of the state independent of the department; directing the Division of Blind Services of the department to recommend a plan for the privatization of the programs and services currently provided by that division; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By Senator Thomas—

SR 2788—A resolution recognizing the 1994 Class A State Girls' Basketball Champions, the "Lady Cats" of Robert F. Munroe High School.

—was referred to the Committee on Rules and Calendar.

By Senator Grogan—

SB 2790—A bill to be entitled An act relating to trust funds; creating the Hospitality Education Program Trust Fund; providing for the use and administration of the fund; providing an effective date.

—was referred to the Committees on International Trade, Economic Development and Tourism; Education; and Appropriations.

By Senators Scott and Foley—

SR 2792—A resolution honoring Harry L. Smith upon his retirement from the IBM Corporation in Boca Raton and his appointment as Executive Director of Hospice of Palm Beach County, Inc.

—was referred to the Committee on Rules and Calendar.

By Senators Jones and Forman—

SB 2794—A bill to be entitled An act relating to labor and employment practices; creating the "Labor Pool Act"; providing state policy on labor pools; providing definitions; prohibiting certain acts and practices; requiring compliance with certain laws governing toxic substances; providing acknowledgement and consent that certain work assignments involve exposure to toxic substances; providing administrative fines; providing duties of a labor pool; providing civil remedies; providing for the registration of labor pool contractors; providing definitions; providing exclusions; requiring such a contractor to obtain a certificate of registration; providing for issuance of a certificate of registration; providing fees; providing for revocation of, suspension of, and refusal to renew certificates of registration; providing duties of labor pool contractors; prohibiting certain acts; providing criminal and civil penalties; prohibiting certain contracts; providing for rules; providing for enforcement of labor pool contractor laws; providing an effective date.

—was referred to the Committees on Commerce; Judiciary; Finance, Taxation and Claims; and Appropriations.

SB 2796 was introduced out of order and referenced March 3.

By Senator Forman—

SB 2798—A bill to be entitled An act relating to trust funds; creating the Cardroom Admissions Tax Trust Fund within the Department of Business and Professional Regulation; providing for the deposit of a certain portion of the admissions tax imposed by licensed cardroom operators into the trust fund; providing a contingent effective date.

—was referred to the Committees on Commerce; Community Affairs; Finance, Taxation and Claims; and Appropriations.

SB 2800 was introduced out of order March 3.

SB 2802 was introduced out of order March 3.

By Senator Boczar—

SB 2804—A bill to be entitled An act relating to access to health care; providing legislative intent; providing definitions; creating the Choice Health and Access Plan; establishing the Choice Health and Access Plan Cost Containment Commission within the Agency for Health Care

Administration; providing commission responsibilities; providing for the appointment and responsibilities of an executive director; providing for implementation and administration of the plan; creating the Choice Health and Access Plan Trust Fund; establishing accounts within the trust fund; providing eligibility for health care benefits under the plan; providing for covered and noncovered health care services; providing access to participating providers; providing for reimbursement; providing for revenues; instructing the Agency for Health Care Administration to seek waivers; providing reporting requirements; providing an appropriation; providing an effective date.

—was referred to the Committees on Health Care; Commerce; Finance, Taxation and Claims; and Appropriations.

By Senator Jenne—

SB 2806—A bill to be entitled An act relating to funding family courts; creating s. 25.388, F.S.; providing for the implementation of family court divisions in all judicial courts of the state through the Family Courts Trust Fund within the Supreme Court; amending s. 741.01, F.S., to provide for a fee to be collected by the clerk of the circuit court; providing an effective date.

—was referred to the Committees on Judiciary; Finance, Taxation and Claims; and Appropriations.

By Senator Crist—

SJR 2808—A joint resolution proposing amendments to Sections 2 and 15 of Article III, Sections 8, 17, and 18 of Article V, and Section 1 of Article VIII and the creation of Section 7 of Article VI of the State Constitution, relating to constitutional residency requirements.

—was referred to the Committees on Executive Business, Ethics and Elections; and Rules and Calendar.

By Senator Kurth—

SB 2810—A bill to be entitled An act relating to the Spaceport Florida Authority; providing for the certification of space activities facilities by the Department of Commerce for 5-year periods; providing definitions; providing the purpose of the certification process; providing for administration of the certification process by the department; providing requirements for certification; providing rulemaking authority to the department; providing for notification of certification to the Department of Revenue for sales tax distribution purposes; granting the Department of Revenue auditing authority over the spaceport authority, subject to certain confidentiality and information-sharing requirements; amending s. 212.20, F.S.; providing for the distribution of proceeds from portions of the sales tax revenues to the Spaceport Florida Authority for funding the provisions of the act; amending s. 331.308, F.S.; adding additional members to the Spaceport Florida Authority; providing for appointment and qualification of those members; providing for severability; providing an effective date.

—was referred to the Committees on International Trade, Economic Development and Tourism; Finance, Taxation and Claims; and Appropriations.

By Senator Forman—

SB 2812—A bill to be entitled An act relating to certificates of need; amending s. 408.031, F.S.; correcting a cross-reference; amending s. 408.032, F.S.; revising definitions; amending s. 408.033, F.S., relating to local and state health planning; reassigning duties from the Department of Health and Rehabilitative Services to the Agency for Health Care Administration; revising a fine; providing for denial of relicensure for failure to pay facility fees; amending s. 408.034, F.S.; assigning duties and responsibilities to the Agency for Health Care Administration; amending s. 408.035, F.S.; revising review criteria; amending s. 408.036, F.S.; providing projects subject to review; revising projects subject to expedited review; providing additional exemptions; amending s. 408.037, F.S.; modifying the content of applications; amending s. 408.038, F.S.; providing for the agency, rather than the department, to receive certain fees; correcting

a cross-reference; amending s. 408.039, F.S., relating to the review process; reassigning duties from the department to the agency; correcting cross-references; amending s. 408.040, F.S., relating to conditions and monitoring; providing for agency actions, fines, and injunctive relief; extending the validity period for certificates of need; prohibiting transfers and divisions and limiting consolidations of certificates of need; amending s. 408.041, F.S., relating to penalties; providing for fines; correcting cross-references; amending s. 408.043, F.S.; eliminating special provisions for specified nursing homes; providing a preference for cooperative agreements for tertiary service providers; amending s. 408.044, F.S., relating to injunctions; reassigning duties from the department to the agency; correcting cross-references; amending s. 408.045, F.S., relating to competitive sealed proposals; reassigning duties; correcting cross-references; creating a requirement for recommendations by the agency regarding continued need for certificate-of-need regulation; amending s. 189.415, F.S., to conform to the act; amending s. 651.118, F.S., to conform to the act and revising procedures for continuing care facilities; repealing s. 408.042, F.S., relating to limitation on transfers; providing an effective date.

—was referred to the Committees on Health Care, Commerce and Appropriations.

By Senator Sullivan—

SB 2814—A bill to be entitled An act relating to St. Petersburg Junior College, Pinellas County; providing for the District Board of Trustees of the college to levy up to one-half mill tax per year for 2 years in Pinellas County; providing for a referendum election; providing for assessment and collection; providing that the proceeds of the tax levy shall not reduce state funding for St. Petersburg Junior College; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Finance, Taxation and Claims; Appropriations; and Rules and Calendar.

SR 2816 was introduced out of order and adopted March 3.

By Senator Jones—

SR 2818—A resolution recognizing and expressing appreciation to Mr. Lucio Petrocelli.

—was referred to the Committee on Rules and Calendar.

By Senators Holzendorf, Williams, Kirkpatrick, Meadows, Turner, Johnson, Dudley, Siegel, Kiser, Grant, Dyer, Wexler, Boczar and Silver—

SB 2820—A bill to be entitled An act relating to higher education; providing for a review of the transfer of the powers and responsibilities of the Board of Regents to the boards of trustees of the state universities; requiring a report; providing an effective date.

—was referred to the Committees on Education; Appropriations; and Rules and Calendar.

By Senator Crist—

SB 2822—A bill to be entitled An act relating to elections; amending s. 98.051, F.S.; authorizing voter registration on Sundays at locations other than the main office of the supervisor of elections; eliminating notice requirements for additional registration hours, days, and places; amending s. 98.211, F.S.; providing for centralized voter registration records; providing for rulemaking authority; creating s. 99.013, F.S., relating to the residency requirement of law for candidates for public office and elected and appointed public officers; defining "residence," "residency requirement," and "resident"; requiring that certain candidates or public officers have only one declared residence; providing factors to be considered; requiring candidates for certain offices to meet the residency requirement at the time of qualifying for office and certain appointed public officers to meet the residency requirement at the time of appoint-

ment; providing for investigation of violations by the Florida Elections Commission; amending s. 106.18, F.S.; requiring omission from the ballot of the name of any candidate found in violation of the residency requirement; amending s. 106.25, F.S.; granting the Florida Elections Commission authority to investigate, consider, and determine such violations; providing procedure; amending s. 106.26, F.S.; providing procedure upon a determination that such a violation has occurred or has not occurred; amending s. 99.021, F.S.; requiring candidates for statewide or legislative office to sign a fair campaign practices pledge; amending ss. 99.095, 99.0955, 99.096, and 112.312, F.S., to conform; amending s. 99.061, F.S.; allowing a candidate to pay the qualifying fee by cashier's check under certain circumstances; amending s. 106.11, F.S., relating to expenditures from campaign accounts, to conform; creating s. 101.625, F.S.; providing for the facsimile transmission of absentee ballots in certain emergency circumstances; amending s. 101.041, F.S., relating to secret voting, to conform; amending s. 102.031, F.S.; regulating activities around polling places; expanding the area within which solicitation is prohibited; amending ss. 106.04 and 106.07, F.S.; eliminating provisions providing for an assessment on contributions that has been declared unconstitutional; amending s. 106.071, F.S.; requiring additional information in reports from persons making independent expenditures; providing for disclaimers on political advertisements paid for by independent expenditure; providing penalties; amending s. 106.08, F.S.; providing that certain services, assistance, and efforts are contributions for purposes of the cap on contributions a candidate may accept from a political party; amending s. 106.141, F.S.; providing for disposition of surplus funds received after filing of the final report; requiring amended reports; eliminating disposition of funds to a political party; conforming language; amending s. 106.143, F.S.; requiring candidate approval of certain political advertisements and provision of a written statement of approval to the advertiser; requiring an approval disclaimer on political advertisements paid for by independent expenditure; creating s. 106.147, F.S.; prohibiting payment for walk-around services on election day; providing a definition; providing exemptions; providing a penalty; amending s. 106.29, F.S., relating to reports by political parties; requiring such reports to be filed on the same days as are reports filed by candidates; requiring such reports to itemize expenditures made on behalf of candidates for statewide or legislative office; requiring the Division of Elections to audit such reports in a timely manner and to file complaints arising therefrom with the Florida Elections Commission; increasing the fines for late reporting and for knowingly filing an incorrect, false, or incomplete report; providing procedures for the assessment and appeal of such fines; providing for a fine against a political party contributing funds to a candidate in excess of the limit the candidate is allowed to accept; eliminating a provision providing for an assessment on contributions that has been declared unconstitutional; repealing ss. 106.30-106.36, F.S., the "Florida Election Campaign Financing Act"; amending ss. 99.092, 99.093, 102.112, 105.031, 106.04, 106.07, 106.22, and 106.265, F.S., to conform; providing that moneys formerly deposited into the Election Campaign Financing Trust Fund shall be deposited into the Elections Commission Trust Fund; amending ss. 327.25 and 607.1622, F.S., and repealing ss. 199.052(14), 320.02(13), and 322.08(7), F.S., to eliminate the requirement that the forms for annual intangible tax returns, motor vehicle registration applications, driver's license applications, boat registration applications, and annual reports of corporations include language permitting a voluntary contribution to the Election Campaign Financing Trust Fund; repealing s. 100.091, F.S., relating to the second primary election; repealing s. 100.096, F.S., relating to special local elections to be held at the second primary election; amending s. 100.061, F.S.; providing for a single primary election, including the date for holding that election; providing that candidates receiving the highest number of votes in the primary election be declared nominated; providing a method for deciding tie votes; eliminating the second primary; amending ss. 10.1008, 97.021, 98.051, 98.081, 99.061, 99.095, 99.103, 100.071, 100.081, 100.111, 100.141, 101.141, 101.251, 101.252, 101.62, 102.012, 103.021, 103.022, 103.091, 105.031, 105.041, 105.051, 106.07, and 106.08, F.S.; conforming provisions; modifying provisions relating to ballots sent to absent qualified electors overseas; providing effective dates.

—was referred to the Committees on Executive Business, Ethics and Elections; Finance, Taxation and Claims; and Appropriations.

By Senator Turner—

SB 2824—A bill to be entitled An act relating to ad valorem taxation; amending s. 194.013, F.S.; increasing filing fees for petitions before value adjustment boards; providing a limitation on joint filing fees for certain petitions before value adjustment boards; providing for refunds under certain conditions; providing an effective date.

—was referred to the Committees on Finance, Taxation and Claims; and Appropriations.

By Senator Jenne—

SB 2826—A bill to be entitled An act relating to governmental performance and accountability; declaring legislative intent; prescribing duties of state agencies to develop measures of their performance and to submit legislative budget requests based on those measures; prescribing data that must be included in legislative budget requests; prescribing a schedule for submitting legislative budget requests containing these data; providing duties of the Joint Legislative Auditing Committee with respect to developing performance measures; providing an appropriation; amending s. 11.45, F.S.; prescribing duties of the Auditor General with respect to evaluating agency performance; repealing ss. 186.001, 186.002, 186.003, 186.004, 186.005, 186.006, 186.007, 186.008, 186.009, 186.021, 186.022, 186.031, 186.501, 186.502, 186.503, 186.504, 186.505, 186.506, 186.507, 186.508, 186.509, 186.511, 186.513, 186.515, 186.801, 186.805, 186.901, 186.911, 216.011, 216.015, 216.0152, 216.0154, 216.0158, 216.016, 216.0162, 216.0165, 216.023, 216.031, 216.0315, 216.043, 216.044, 216.0442, 216.0445, 216.052, 216.053, 216.065, 216.071, 216.081, 216.091, 216.102, 216.111, 216.121, 216.131, 216.133, 216.134, 216.135, 216.136, 216.137, 216.141, 216.151, 216.162, 216.163, 216.164, 216.165, 216.166, 216.167, 216.168, 216.172, 216.176, 216.177, 216.178, 216.179, 216.181, 216.182, 216.192, 216.195, 216.201, 216.212, 216.221, 216.231, 216.241, 216.251, 216.262, 216.271, 216.272, 216.275, 216.281, 216.2815, 216.286, 216.292, 216.301, 216.311, 216.321, 216.331, 216.341, 216.345, 216.346, 216.347, 216.3475, 216.349, 216.351, F.S., relating to state and regional planning and planning and budgeting; providing an effective date.

—was referred to the Committees on Appropriations; Governmental Operations; and Rules and Calendar.

By Senator Jenne—

SR 2828—A resolution commending the Phi Rho Pi national honor speech and debate organization for its selection of Florida as its 1994 national tournament site.

—was referred to the Committee on Rules and Calendar.

By Senator Jenne—

SB 2830—A bill to be entitled An act creating a trust fund; providing an effective date.

—was referred to the Committee on Appropriations.

By Senator Jenne—

SB 2832—A bill to be entitled An act creating a trust fund; providing an effective date.

—was referred to the Committee on Appropriations.

By Senator Childers—

SR 2834—A resolution honoring Escambia County's athletes who have made good.

—was referred to the Committee on Rules and Calendar.

By Senator Turner—

SB 2836—A bill to be entitled An act relating to pharmacy services; creating s. 408.7075, F.S.; requiring community health purchasing alliances to provide advanced pharmacy care benefits; requiring the Agency for Health Care Administration to establish fees for such benefits; requiring the director of the agency to appoint a Pharmacy and Therapeutics Board; providing for membership of the board; requiring the board to establish a statewide therapeutic formulary for drugs for which reimbursement may be made by the accountable health partnerships; specifying services to be provided as part of advanced pharmacy care benefits; providing requirements for pharmacists; providing an effective date.

—was referred to the Committees on Health Care, Commerce and Appropriations.

SR 2838 was introduced out of order and adopted March 3.

By Senator Bankhead—

SB 2840—A bill to be entitled An act relating to the Florida Employment Opportunity Act; amending s. 409.029, F.S.; amending the procedures by which child-care support services are to be provided to AFDC program participants; providing an effective date.

—was referred to the Committees on Health and Rehabilitative Services; and Appropriations.

By Senator Foley—

SB 2842—A bill to be entitled An act relating to driver licenses; amending s. 322.18, F.S.; prohibiting the Department of Highway Safety and Motor Vehicles from renewing a driver's license if its records show that the driver is the subject of an outstanding warrant for worthless checks; requiring state attorneys to provide information on outstanding warrants to the department; providing for confidentiality; providing circumstances for renewal of license; providing for a fee; providing an effective date.

—was referred to the Committees on Transportation; Judiciary; Finance, Taxation and Claims; and Appropriations.

By Senator Williams—

SB 2844—A bill to be entitled An act relating to public land acquisition; amending s. 259.035, F.S.; requiring the Land Acquisition Advisory Council to review certain land acquisition projects for certain purposes; requiring the council to submit a plan and map of certain natural systems or features of the state for prioritized protection; requiring the Suwannee River Water Management District to conduct a pilot program acquiring property for certain purposes; requiring a report to the Legislature; amending s. 373.089, F.S.; clarifying provisions related to sale or exchange of certain lands; deleting certain requirements for sales or exchanges of public lands under certain circumstances; providing an appropriation; amending s. 373.59, F.S.; revising provisions which authorize payments in lieu of taxes to certain counties for ad valorem tax losses incurred as a result of lands acquired by water management districts; revising the application date applicable with respect to certain acquisitions by the Northwest Florida Water Management District and the Suwannee River Water Management District; revising a limitation on such payments; providing an effective date.

—was referred to the Committees on Natural Resources and Conservation; Finance, Taxation and Claims; and Appropriations.

By Senator Burt—

SB 2846—A bill to be entitled An act relating to ad valorem tax administration; amending s. 197.172, F.S.; deleting provisions which specify that tax certificates shall not bear interest and the mandatory charge under s. 197.472(2), F.S., shall not be levied during the 60-day period from the date of delinquency and providing that said mandatory charge

shall be levied, if applicable; amending s. 197.472, F.S.; exempting deferred payment tax certificates from the 5-percent mandatory charge imposed by said section; providing effective dates.

—was referred to the Committees on Finance, Taxation and Claims; and Appropriations.

By Senator Johnson—

SB 2848—A bill to be entitled An act relating to stone crab licenses; amending s. 370.13, F.S.; providing restrictions on the renewal or reissuance of certain stone crab trap numbers; providing that stone crabs shall be designated as a restricted species; providing an effective date.

—was referred to the Committees on Natural Resources and Conservation; and Appropriations.

By Senator Johnson—

SB 2850—A bill to be entitled An act relating to domestic relations; creating s. 741.015, F.S.; directing the county court judge or the clerk of the circuit court issuing a marriage license to provide each person to whom the license is issued with a copy of the "Florida Domestic Bill of Rights"; providing for the inclusion of required information; providing an effective date.

—was referred to the Committee on Judiciary.

By Senators Kiser, Grant and Brown-Waite—

SB 2852—A bill to be entitled An act relating to bingo; amending s. 849.0931, F.S.; providing conditions under which bingo may be conducted by a group of residents of a mobile home park or recreational vehicle park as defined in chapter 513, F.S.; providing an effective date.

—was referred to the Committee on Commerce.

By Senator Harden—

SB 2854—A bill to be entitled An act relating to education; requiring district school boards to develop and implement an educational choice program; requiring Department of Education assistance; authorizing school boards to contract with nonpublic schools and specifying contract costs; providing nonpublic school requirements; providing for access to determine compliance; requiring guidelines for contracts; providing for a pilot scholarship program in several counties; providing for eligibility and amount of scholarships; providing program requirements; requiring annual reports and evaluations; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By Senator Harden—

SB 2856—A bill to be entitled An act relating to county and municipal audits; creating s. 125.0171, F.S.; authorizing counties to enter into contracts with private auditors for the audit of taxpayer accounts; creating s. 166.271, F.S.; authorizing municipalities to enter into contracts with private auditors to audit taxpayer accounts; providing an effective date.

—was referred to the Committees on Community Affairs; and Finance, Taxation and Claims.

By Senator Harden—

SB 2858—A bill to be entitled An act relating to state employment; creating the State Employment Limitation Study Commission; providing for the appointment of members and their powers and duties; providing for a report; providing for the future repeal of the commission; providing an effective date.

—was referred to the Committees on Personnel, Retirement and Collective Bargaining; Rules and Calendar; and Appropriations.

By Senator Harden—

SB 2860—A bill to be entitled An act relating to contracts in restraint of trade; amending s. 542.33, F.S.; prohibiting contracts or agreements in restraint of trade; providing exceptions; deleting such contracts between employers and employees; deleting such contracts between partners; providing prospective application; providing an effective date.

—was referred to the Committees on Commerce and Judiciary.

By Senator Harden—

SB 2862—A bill to be entitled An act for the relief of Robert Jeff Woodham; providing an appropriation to compensate him for injuries sustained in the course of his participation in high school interscholastic sports and for future needs; providing for payment by the Department of Insurance; providing an effective date.

—was referred to the Special Master; and the Committees on Finance, Taxation and Claims; and Appropriations.

By Senator Foley—

SB 2864—A bill to be entitled An act relating to donation of instructional technology equipment to educational institutions; providing for issuance of a voucher by the Department of Revenue to a business that donates instructional technology equipment to a public school, vocational-technical center, community college, or university; providing for determination of the amount of the voucher; authorizing use of the voucher as a credit against sales tax on purchases of such equipment or as a credit against tuition charges for employees of the business; authorizing transfer of vouchers; providing limitations; providing for rules; providing an effective date.

—was referred to the Committees on Finance, Taxation and Claims; Commerce; and Appropriations.

By Senator Foley—

SB 2866—A bill to be entitled An act relating to water safety; amending s. 327.37, F.S.; prohibiting persons from engaging in water skiing, aquaplaning, or similar activities unless wearing an approved personal flotation device; amending s. 327.54, F.S.; prohibiting liveries from renting vessels to persons who are not wearing approved personal flotation devices; creating s. 327.545, F.S.; prohibiting persons from operating or being passengers in a canoe unless wearing an approved personal flotation device; providing an effective date.

—was referred to the Committees on Natural Resources and Conservation; and Commerce.

By Senator Foley—

SB 2868—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.08, F.S.; removing a prohibition against application of the exemption for machinery and equipment used in new or expanding businesses to printing or publishing firms; providing an effective date.

—was referred to the Committees on Finance, Taxation and Claims; Commerce; Community Affairs; and Appropriations.

By Senator Gutman—

SB 2870—A bill to be entitled An act relating to educational finance; amending s. 236.081, F.S.; providing for the funding of children enrolled in child care centers operated by district school boards within area vocational-technical centers; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By Senator Diaz-Balart—

SB 2872—A bill to be entitled An act relating to postsecondary education; amending s. 240.4069, F.S.; specifying financial assistance provided by Virgil Hawkins Fellows Scholarships; amending s. 240.498, F.S.; creating a law school component of the Florida Education Fund; providing for eligibility and support; creating s. 240.4991, F.S.; creating a minority pre-law scholarship program; providing for eligibility and support; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By Senator Diaz-Balart—

SB 2874—A bill to be entitled An act relating to bail bond agents; amending s. 648.25, F.S.; revising definitions; amending s. 648.26, F.S.; deleting reference to the Bail Bond Advisory Council; repealing s. 648.265, F.S.; relating to the Bail Bond Advisory Council; amending s. 648.266, F.S.; deleting reference to the council and providing reference to the Department of Insurance; amending s. 648.27, F.S.; providing that the department shall not issue or renew a license or appointment as a runner on or after July 1, 1994; amending ss. 648.29, 648.315, 648.35, 648.38, 648.382, 648.383, 648.384, 648.39, 648.40, 648.41, 648.42, 648.421, 648.43, 648.441, 648.4425, 648.45, 648.48, 648.50, and 648.55, F.S.; providing for reference to bail bond agents; providing for gender-neutral language; amending s. 648.30, F.S.; revising language with respect to licensure and appointment; amending s. 648.31, F.S.; providing for the deposit of appointment taxes and fees; amending s. 648.33, F.S.; providing a penalty for violating a provision on bail bond rates; creating s. 648.331, F.S.; providing for a bail bond regulatory surcharge; providing penalties; amending s. 648.34, F.S.; revising language with respect to the qualifications of bail bond agents; amending s. 648.36, F.S.; deleting a requirement with respect to bail bond agent's records; amending s. 648.365, F.S.; revising language with respect to statistical reports; amending s. 648.37, F.S.; revising language with respect to the qualifications of runners; amending s. 648.381, F.S.; revising language with respect to reexamination; creating s. 648.385, F.S.; providing for required continuing education; providing penalties; amending s. 648.44, F.S.; revising language with respect to prohibitions; providing a definition; amending s. 648.442, F.S.; revising language with respect to collateral security; amending s. 648.46, F.S.; revising language with respect to procedure for disciplinary action against licensees; amending s. 648.49, F.S.; increasing the number of hours required to be in a course for certification; amending s. 648.571, F.S.; revising language with respect to failure to return collateral; providing an effective date.

—was referred to the Committees on Commerce; Finance, Taxation and Claims; and Appropriations.

By Senator Burt—

SB 2876—A bill to be entitled An act relating to individual health insurance; amending s. 627.410, F.S.; providing for filing of certificates for certain groups for information purposes; creating s. 627.4102, F.S.; requiring modified community rating for individual health insurance policies; requiring limited guarantee issue of individual health insurance policies; creating s. 627.4103, F.S.; providing for an underwriting committee to be formed to develop a standardized underwriting manual; creating s. 627.6075, F.S.; providing requirements for preexisting conditions with respect to individual health insurance policies; creating s. 627.6076, F.S.; requiring the Department of Insurance to determine certain geographic areas; creating s. 627.6077, F.S.; providing for establishment of the comprehensive and basic individual health benefit plans; requiring the Insurance Commissioner to appoint a health benefit plan committee; providing for plan provisions; amending s. 627.6515, F.S.; specifying that certain out-of-state group health insurance policies covering residents of this state shall be considered individual policies subject to the law of this state; providing an effective date.

—was referred to the Committees on Health Care, Commerce and Appropriations.

By Senators Kirkpatrick, Silver, Jennings, Scott and Dyer—

SB 2878—A bill to be entitled An act relating to media productions; amending s. 212.08, F.S.; revising a use tax exemption for motion picture or video equipment; providing procedures for qualified producers to receive the exemption; amending s. 288.045, F.S.; requiring the Division of Economic Development of the Department of Commerce to adopt rules providing procedures for qualified producers to apply for and receive the exemption; amending s. 288.053, F.S.; revising the membership of the Florida Film and Television Investment Board; amending s. 288.054, F.S.; authorizing the board to contract with the Florida Film and Television Investment Corporation for certain purposes; amending s. 288.055, F.S.; providing for additional authorized expenditures from the Florida Film and Television Investment Trust Fund; amending s. 288.056, F.S.; requiring additional information for certain projects; providing additional powers of the board; creating s. 288.058, F.S.; authorizing the board to establish the Florida Film and Television Investment Corporation as a direct-support organization of the board for certain purposes; providing definitions; providing for uses of property; providing for a board of directors of the corporation; providing for an annual audit; providing an effective date.

—was referred to the Committees on Finance, Taxation and Claims; International Trade, Economic Development and Tourism; Rules and Calendar; and Appropriations.

By Senator Burt—

SB 2880—A bill to be entitled An act relating to health insurance; providing reimbursement only for generically equivalent drug products under health insurance policies or plans; amending s. 465.025, F.S.; deleting a limitation on substitution by pharmacists of generically equivalent drug products under certain circumstances; providing an effective date.

—was referred to the Committees on Health Care and Commerce.

By Senator Grant—

SB 2882—A bill to be entitled An act relating to the duties of the Comptroller and the Department of Banking and Finance; amending s. 17.19, F.S.; revising requirements for examination of public official surety bonds; amending s. 17.20, F.S.; authorizing a collection agent of the department to add a fee for services to the amount collected; amending s. 17.26, F.S.; revising the procedure for reporting and remitting funds represented by canceled state warrants as unclaimed property; providing an appropriation; amending s. 215.422, F.S.; eliminating applicability of the section to payments made to state agencies, the judiciary, and the Legislature; amending s. 216.102, F.S.; imposing requirements on certain governmental entities regarding the form of financial information submitted to the Comptroller; providing effective dates.

—was referred to the Committees on Governmental Operations; Commerce; Finance, Taxation and Claims; and Appropriations.

By Senator Grant—

SB 2884—A bill to be entitled An act relating to the Teacher's Retirement System of Florida; amending s. 238.07, F.S.; providing that members may buy into the system to retire with less than 30 years of creditable service; providing an effective date.

—was referred to the Committees on Personnel, Retirement and Collective Bargaining; and Appropriations.

By Senator Grant—

SB 2886—A bill to be entitled An act relating to insurance; amending s. 627.419, F.S.; prohibiting certain coverage in insurance contracts under certain circumstances; amending s. 627.428, F.S.; prohibiting the use of multipliers on attorneys fees under certain circumstances; amending s. 627.6472, F.S.; including certain motor vehicle insurers in the definition of insurer or health insurer for certain purposes; amending s. 627.727, F.S.; providing an exception for certain required liability insurance;

deleting a requirement that insurers offer certain limits of uninsured motorist coverage; amending s. 627.7275, F.S.; requiring the grant of a credit against certain new policy premiums for premiums paid on certain canceled policies; amending s. 627.728, F.S.; requiring advance notice of certain renewal premiums; amending s. 627.7295, F.S.; specifying the minimum time period within which a new policy or binder may not be canceled; amending s. 627.736, F.S.; requiring certain notice of insurers after an accident; providing an exception; authorizing insurers to offer medical payments policies; providing limitations; specifying physicians eligible to report on certain mental and physical examinations; prohibiting certain causes of action for providing certain information; providing an exception; authorizing an insurer to issue certain policies limiting payment of medical benefits under certain circumstances; authorizing certain injured persons to receive health care services from any licensed health care provider; providing for limitation of reimbursement or payment of medical benefits; requiring personal injury protection insurers to provide certain notice; providing for future repeal and review; amending s. 627.739, F.S.; providing for application of a deductible amount; providing for receipt of certain benefits after a deductible is met; prohibiting the use of pretext interviews unless specific criteria are met; providing definitions; providing guidelines for the use of disclosure authorization forms in connection with insurance transactions; providing limitations and conditions on the disclosure of certain privileged and personal information about an individual; providing an effective date.

—was referred to the Committees on Commerce and Appropriations.

By Senator Jenne—

SB 2888—A bill to be entitled An act relating to electrical power plant siting; amending s. 403.501, F.S.; expanding the sections contained in the Florida Electrical Power Plant Siting Act; amending s. 403.503, F.S.; redefining the term "applicant"; amending s. 403.5064, F.S.; clarifying application procedures; amending s. 403.5065, F.S.; revising provisions relating to appointment of hearing officers; amending s. 403.5066, F.S.; revising provisions relating to determination of completeness; providing for determinations of sufficiency; clarifying procedures; amending s. 403.5067, F.S.; providing for public meetings; requiring certain notice; providing purposes; providing procedures; amending s. 403.507, F.S.; clarifying provisions relating to preparation of certain reports; creating s. 403.5075, F.S.; providing for certification hearings; specifying parties and participants; providing for intervention; providing limitations; amending s. 403.508, F.S.; providing procedures for certification hearings; providing for cancellation, limiting certification hearings to certain issues; amending s. 403.509, F.S.; revising provisions relating to final disposition of applications, providing duties of the siting board; amending s. 403.5115, F.S.; clarifying provisions relating to certain notices; amending s. 403.519, F.S.; providing that all electrical power plants which require siting under the act shall be competitively bid; providing an effective date.

—was referred to the Committees on Natural Resources and Conservation; Commerce; and Appropriations.

By Senators Dantzer, Silver and Kiser—

SB 2890—A bill to be entitled An act relating to juvenile corrections; creating s. 20.316, F.S.; creating the Department of Youth Corrections; providing purpose; providing legislative intent; providing for a Secretary of Youth Correction; providing for a Deputy Secretary; providing responsibilities; amending ss. 39.001, 39.002, 39.01, 39.021, 39.022, 39.038, 39.042, 39.043, 39.044, 39.046, 39.047, 39.049, 39.052, 39.053, 39.054, and 39.057, F.S.; revising provisions related to juvenile proceedings relating to purpose and intent, definitions, administering the delinquency system, jurisdiction, release or delivery from custody, use of detention, prohibited uses of detention, detention, certain examinations and treatment, intake and case management, process and service, hearings, adjudication, powers of disposition, and boot camp for children; creating s. 39.0505, F.S.; providing requirements for parental attendance at certain proceedings; providing for contempt of court; providing for damages; creating s. 39.079, F.S.; prohibiting possession or introduction of contraband articles in certain juvenile facilities; providing a penalty; amending s. 90.610, F.S.; clarifying provisions relating to impeachment of a witness under certain circumstances; amending s. 948.001, F.S.; providing definitions; creating ss. 948.70, 948.71, 948.72, and 948.73, F.S.; providing for a youth corrections probation program; providing sanctions; providing for a youth community control program; providing sanctions; providing for boot camps

for youthful offenders; providing procedures; providing criteria; requiring the department to keep records; authorizing contracting with private organizations to operate the boot camps; providing application to violations of certain programs; creating ss. 958.21, 958.22, 958.23, 958.24, 958.25, 958.26, 958.27, 958.28, 958.29, 958.30, 958.31, 958.32, 958.33, 958.34, 958.35, 958.36, 958.37, and 958.38, F.S.; providing definitions; providing jurisdiction; providing for admissions to certain facilities; providing for a youth corrections program; providing criteria; providing duties of the department; specifying conditions for placement in the program; requiring the department to adopt rules to administer the program; providing general functions and a seal of the department; requiring the department to use inmate labor for certain purposes; requiring the department to employ licensed medical personnel; providing for extending the limits of confinement; providing criteria; providing for restitution by employed inmates under certain circumstances; providing duties of the department; providing for investigations; providing for confidentiality of certain information; providing for transfers for rehabilitative treatment; providing procedures and criteria; providing for deposit and uses of moneys in certain funds; requiring the department to maintain certain records; authorizing the department to acquire property by eminent domain for certain purposes under certain circumstances; providing for restitution of persons in custody; authorizing the department to collect an administrative processing fee; providing for deposit of such fees; requiring the department to establish an AIDS education program; providing criteria; requiring the department to report to the Legislature; providing an exemption for certain personnel from certain health testing regulations under certain circumstances; providing for an inmate training program; providing criteria and procedures for eligibility and screening of inmates for an inmate training program; providing for an inmate training program; providing for operation of the program; repealing s. 39.002(5), F.S.; relating to legislative intent regarding serious or habitual juvenile offenders; repealing s. 39.01(46), F.S., relating to defining serious or habitual offender; repealing s. 39.044(11), F.S., relating to committed children awaiting dispositional placement; repealing s. 39.058, F.S., relating to serious or habitual juvenile offenders; repealing ss. 958.011, 958.021, 958.03, 958.04, 958.06, 958.07, 958.09, 958.11, 958.011, 958.12, 958.13, 958.14, 958.15, and 958.19, F.S., relating to youth offenders; providing an effective date.

—was referred to the Committees on Health and Rehabilitative Services; Corrections, Probation and Parole; and Appropriations.

By Senators Dantzler, Silver and Kiser—

SB 2892—A bill to be entitled An act relating to trust funds; creating the Youth Offender Inmate Welfare Trust Fund within the State Treasury; providing for source of moneys and purposes; providing for future review and termination or re-creation of the fund; providing a contingent effective date.

—was referred to the Committees on Health and Rehabilitative Services; Corrections, Probation and Parole; and Appropriations.

By Senators Dantzler, Silver and Kiser—

SB 2894—A bill to be entitled An act relating to trust funds; creating the Court Ordered Payment Trust Fund within the State Treasury; providing for source of moneys and purposes; providing for future review and termination or re-creation of the fund; providing a contingent effective date.

—was referred to the Committees on Health and Rehabilitative Services; Corrections, Probation and Parole; and Appropriations.

By Senators Dantzler, Silver and Kiser—

SB 2896—A bill to be entitled An act relating to trust funds; creating the Employee Benefit Trust Fund within the State Treasury; providing for source of moneys and purposes; providing for future review and termination or re-creation of the fund; providing a contingent effective date.

—was referred to the Committees on Health and Rehabilitative Services; Corrections, Probation and Parole; and Appropriations.

By Senator Crist—

SB 2898—A bill to be entitled An act relating to drug abuse prevention and control; amending s. 893.138, F.S.; providing additional circumstances which may constitute a nuisance subject to local administrative action; providing for additional action which may be taken by a nuisance abatement board; providing a definition; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Senator McKay—

SB 2900—A bill to be entitled An act relating to assessable mutual insurers; amending s. 628.6017, F.S.; providing criteria and procedures for assessable mutual insurers to become stock insurers; providing an effective date.

—was referred to the Committee on Commerce.

By the Committee on Executive Business, Ethics and Elections; and Senators Turner and Weinstein—

SB 2924—A bill to be entitled An act relating to implementation of the National Voter Registration Act of 1993 for federal and state elections; creating part I of chapter 97, F.S.; providing general provisions of the election code; amending s. 97.012, F.S.; providing responsibilities of the Secretary of State as chief election officer; amending s. 97.021, F.S.; providing definitions; creating s. 97.023, F.S., relating to complaint procedures; transferring and renumbering s. 98.251, F.S., relating to the availability of Election Code reprints; creating part II of chapter 97, F.S., relating to the "Florida Voter Registration Act"; creating s. 97.032, F.S.; providing a short title; amending s. 97.041, F.S.; revising qualifications to register or vote; amending s. 97.051, F.S.; eliminating an identification requirement for registration and the requirement of a written statement under oath relating to previous registration or lack thereof; amending, transferring, and renumbering s. 98.111, F.S.; revising the registration application and requirements relating thereto to provide for a uniform statewide voter registration application and other voter registration forms in conformance therewith; creating s. 97.053, F.S., relating to acceptance of voter registration applications; amending, transferring, and renumbering s. 98.051, F.S.; revising the registration book-closing period; creating s. 97.057, F.S.; authorizing voter registration by the Department of Highway Safety and Motor Vehicles in conjunction with applications for, renewals of, and changes of address on drivers' licenses or identification cards and providing requirements therefor; creating s. 97.058, F.S.; authorizing voter registration at specified voter registration agencies and providing requirements therefor; amending s. 97.061, F.S.; revising provisions relating to registration of persons needing assistance in voting; transferring and renumbering s. 97.0631, F.S., relating to overseas voters; transferring and renumbering s. 97.065, F.S., relating to the administration of oaths to overseas voters; amending s. 97.071, F.S.; revising the contents of the registration identification card and providing for replacement of defaced, lost, or stolen cards and for issuance of a new card upon change of name, address, or party affiliation; creating s. 97.073, F.S.; providing for disposition of voter registration applications; amending, transferring, and renumbering s. 97.091, F.S., relating to registration in precinct and provisions for residence and name change at the polls; replacing an affidavit under oath with a signed statement subject to specified false swearing penalties; transferring and renumbering s. 97.102, F.S., relating to change of residence; amending s. 97.1031, F.S., relating to notice of change of residence within the same county or change of name, to conform; amending, transferring, and renumbering s. 98.041, F.S., relating to the permanent single registration system established for all elections in the state, to conform; amending, transferring, and renumbering s. 98.031, F.S., relating to registration and election districts, precincts, and polling places, to conform a cross-reference; amending, transferring, and renumbering s. 98.161, F.S.; revising provisions relating to duties of the supervisor of elections, to include provisions on office hours and the appointment of deputy supervisors; creating s. 98.045, F.S.; providing for administration of voter registration; creating s. 98.055, F.S.; providing for registration list maintenance forms; creating s. 98.065, F.S.; providing for registration list maintenance programs; creating s. 98.075, F.S.; providing other registration list maintenance activities; amending s. 98.081, F.S., relating to removal of names from the registration books, to conform;

transferring and renumbering s. 98.091, F.S., relating to municipalities' use of election systems; transferring and renumbering s. 98.321, F.S., relating to certificates of elections; amending, transferring, and renumbering s. 98.301, F.S., relating to duty of officials to furnish lists of deceased persons, persons adjudicated mentally incapacitated with respect to voting, and persons convicted of a felony, to conform; amending, transferring, and renumbering s. 98.211, F.S., relating to inspection of registration books, to conform a cross-reference; amending s. 98.212, F.S.; requiring supervisors to furnish information to the Department of State for federal reporting purposes; amending s. 101.694, F.S., relating to mailing of absentee ballot upon receipt of federal postcard application, to conform; amending s. 104.011, F.S., relating to false swearing, to conform; prohibiting willful submission of false voter registration information; providing penalties; amending s. 104.012, F.S., relating to consideration for registration; prohibiting interference with registration and soliciting registration for compensation; providing penalties; amending s. 104.013, F.S., relating to unauthorized use, possession, or destruction of voter registration identification card, to conform; amending s. 125.01, F.S., relating to powers and duties of county government, to correct a cross-reference; repealing ss. 97.063, 97.064, 97.072, 98.201, 98.271, 101.692, and 125.9505, F.S., relating to eligibility for absentee registration, registration of citizens residing overseas, federal employees, and military personnel when previously registered, replacement of registration identification card, removal of names of disqualified electors, appointment of deputy supervisors and volunteer deputy voter registrars, postcard application for ballot, and an exemption relating to volunteer deputy voter registrars, respectively, to conform; providing an effective date.

—was referred to the Committees on Executive Business, Ethics and Elections; and Appropriations.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Appropriations; Health and Rehabilitative Services; Criminal Justice; and Senators Thomas, Siegel, Williams, Weinstein, Kirkpatrick, Burt, Brown-Waite, Beard, Hargrett, Grant, Dudley, Holzendorf, Meadows, Dantzler, Dyer, Wexler, Childers, Jenne, Turner, Jones, Forman, Kurth, Boczar, Silver, Johnson, Casas, Foley, Sullivan, Myers, McKay, Harden, Crenshaw, Crist, Jennings, Scott, Gutman, Bankhead, Diaz-Balart, Grogan and Kiser—

CS for CS for SB 68 and CS for SB's 2012, 230, 236, 248, 266, 274, 282, 392, 498, 674, 1306 and 1400—A bill to be entitled An act relating to juvenile justice; creating the Department of Juvenile Justice; providing for a Secretary of Juvenile Justice; providing for an Assistant Secretary for Prevention and Intervention; providing for an Assistant Secretary for Detention and Corrections; providing responsibilities; specifying service districts of the department within the state and commitment regions; requiring the department's annual budget request to be based on unit cost data; requiring the secretary to establish an automated information system for the purpose of administering juvenile justice programs; requiring that funding for the system be included in the department's legislative budget request; transferring all powers, duties, records, personnel, property, and unexpended balances of appropriations of the Deputy Secretary for Juvenile Justice Programs of the Department of Health and Rehabilitative Services to the Department of Juvenile Justice; providing for administrative rules of the Deputy Secretary for Juvenile Justice Programs of the Department of Health and Rehabilitative Services to remain in effect until changed by the Department of Juvenile Justice; providing for the transfer of pending judicial or administrative proceedings; creating the Juvenile Justice Advisory Board; providing for membership of the board; providing for terms of appointment; assigning the board, for administrative purposes, to the Department of Juvenile Justice; providing powers and duties of the board; transferring all employees, unexpended balances of appropriations, materials, files, records, and equipment of the Commission on Juvenile Justice to the Juvenile Justice Advisory Board; amending s. 20.19, F.S.; deleting references to certain programs of the Department of Health and Rehabilitative Services with respect to juvenile justice and children in need of services and families in need of services to conform to changes made by the act; providing an additional purpose of the Department of Health and Rehabilitative Services with respect to reducing out-of-wedlock births and teenage pregnancies; requiring a report; requiring the Children and Families Program Office of the Department of Health and Rehabilitative Services to provide intervention services for delinquent children and their fami-

lies; requiring the health and human services boards of the Department of Health and Rehabilitative Services, in planning its programs, to consider data concerning the juvenile justice programs and services within the district; amending s. 39.001, F.S.; revising the purposes and intent of ch. 39, F.S., relating to juvenile proceedings; amending s. 39.002, F.S.; revising state policy with respect to juvenile justice and delinquency prevention; providing that it is the intent of the Legislature to authorize the detention of a juvenile who has acted in contempt of court; providing that it is the policy of the state to identify and address certain problems with respect to juvenile delinquency; amending s. 39.01, F.S.; revising definitions to conform to changes made by the act; deleting a limitation on the number of children that may be assigned to a nonsecure detention facility; redefining the term "serious or habitual juvenile offender" for purposes of ch. 39, F.S.; providing for preliminary screening to include certain interviews and urine and breathalyzer screenings; defining the term "maximum risk residential" as an additional level of custody under which a juvenile is committed to the custody of the department; defining the terms "secure shelter," "staff-secure shelter," and "temporary release" for purposes of ch. 39, F.S.; amending s. 39.012, F.S.; requiring the Department of Juvenile Justice, as created by this act, to adopt rules; creating s. 39.0206, F.S.; defining the term "department" to be the Department of Juvenile Justice for the purposes of ss. 39.021-39.078, F.S.; amending ss. 39.014, 39.021, F.S.; providing powers and duties of the Department of Juvenile Justice with respect to juvenile justice programs and programs and services for children in need of services and families in need of services; requiring the department to assist the Department of Health and Rehabilitative Services in reducing out-of-wedlock births and teenage pregnancies; requiring the department to measure and report to the Legislature on the effectiveness of programs and services; requiring a report by the Auditor General; repealing s. 39.023, F.S., relating to the Commission on Juvenile Justice; amending s. 39.024, F.S.; providing for the Secretary of Juvenile Justice to appoint members of the Juvenile Justice Standards and Training Council; amending s. 39.025, F.S.; revising the membership of the county juvenile justice councils; providing for the juvenile justice councils within each district to appoint members to a district juvenile justice board; increasing the initial terms of members appointed to the district juvenile justice boards; exempting members of certain district juvenile justice boards from term limitations; prescribing additional duties of the boards; providing for the boards to have access to certain records for purposes of performing its duties; requiring the department to provide matching funds for additional positions for staff to assist the boards; authorizing the boards to propose innovation zones within the districts; providing requirements for implementing such proposals; amending s. 39.0255, F.S.; providing powers and duties of the Department of Juvenile Justice with respect to the juvenile civil citation process; amending s. 39.029, F.S.; deleting an obsolete provision; amending s. 39.034, F.S.; authorizing the community arbitrator or community arbitration panel to require that a child undergo urine monitoring; amending s. 39.038, F.S.; providing for a juvenile who has been taken into custody to be released to a juvenile assessment center; amending s. 39.039, F.S.; requiring that the fingerprints of a juvenile who is charged with or found to have committed certain offenses be submitted to the Department of Law Enforcement; requiring that the name, address, and photograph of a juvenile found to have committed a felony be forwarded to a news organization upon request; amending s. 39.042, F.S.; authorizing the detention of a juvenile upon certain acts of contempt; providing that a juvenile who is charged with committing domestic violence may be held in secure detention; requiring a hearing within a specified period; amending s. 39.043, F.S.; deleting a prohibition on placing a child in need of services into secure detention care; prohibiting the placement of an alleged dependent juvenile into secure detention care; amending s. 39.044, F.S.; deleting a requirement that certain efforts be made to release a juvenile from custody; requiring a juvenile's parent or guardian to pay certain fees for the care, support, and maintenance of the juvenile; providing for a reduction or waiver of such fees; providing circumstances under which the department or the state attorney may seek a court order authorizing the temporary detention of certain juveniles who cannot be placed in an appropriate residential program; repealing s. 39.0445, F.S., relating to juvenile domestic violence offenders; amending ss. 39.045, 39.046, F.S.; providing powers and duties of the Department of Juvenile Justice with respect to juvenile justice programs; providing for certain interagency agreements with respect to the sharing of a juvenile's criminal history record among agencies; revising requirements for retaining a juvenile's records; authorizing the release of a juvenile's photograph if that juvenile has committed certain offenses; amending s. 39.047, F.S.; providing additional requirements for the intake and case management system of the Department of Juvenile Justice; requiring the district

administrator of the Department of Health and Rehabilitative Services to cooperate with the case manager in providing intake and case management services; providing circumstances under which the state attorney may file an information against a juvenile between specified years of age who is charged with certain offenses; providing circumstances under which a juvenile must be transferred for prosecution as an adult, regardless of the age of the juvenile; amending s. 39.0475, F.S.; authorizing the court to order that a juvenile continue in a urine monitoring program following completion of a delinquency pretrial intervention program; providing requirements for entities that provide such programs; amending s. 39.049, F.S.; providing for the parent or guardian of a juvenile to be taken into custody for failing to obey a summons; creating s. 39.0495, F.S.; prohibiting an employer from dismissing or threatening to dismiss an employee who is summoned to appear; amending s. 39.052, F.S.; deleting an obsolete provision; amending s. 39.053, F.S.; authorizing the court to require that a juvenile undergo urine monitoring as part of a community control program; amending s. 39.054, F.S.; providing that commitment of a juvenile to the Department of Juvenile Justice is for the purpose of control of the juvenile which includes urine monitoring; increasing the age until which the department maintains custody of a juvenile who has been adjudicated delinquent and committed to the department; authorizing the court to order that the parent or guardian of a juvenile perform community service with the juvenile; authorizing the court to order the parent or guardian of a juvenile to cosign a note in satisfaction of an order of restitution; deleting the limitation on the liability of a parent for his child's criminal acts; authorizing the court to order the parent or guardian of a juvenile to perform community service if the court finds that the parent or guardian did not make certain efforts to prevent the juvenile from engaging in delinquent acts; specifying the fees to be paid for the care, support, and maintenance of a juvenile; providing for a reduction or waiver of such fees; providing for the deposit of such fees into the Juvenile Justice Facility Construction and Operation Trust Fund; authorizing the department to temporarily release a juvenile committed to the department; providing for the department to revoke a juvenile's temporary release status; amending ss. 39.055, 39.056, F.S.; providing powers and duties of the Department of Juvenile Justice with respect to juvenile justice programs; amending s. 39.057, F.S.; revising criteria under which a juvenile may be placed in a boot camp program; providing program requirements for a boot camp operated by the department, a county, or a municipality; requiring a minimum period of participation in the boot camp program; requiring a minimum period of participation in aftercare; providing training requirements for the staff of a boot camp program; providing certification requirements for instructors of training courses; creating s. 39.0581, F.S.; providing criteria for committing a juvenile to a maximum-risk residential program; creating s. 39.0584, F.S.; requiring the court to commit a juvenile to a graduated series of commitment programs if the juvenile is adjudicated delinquent for multiple felony offenses; amending s. 39.0585, F.S.; conforming provisions to changes made by the act; amending s. 39.059, F.S.; specifying fees to be imposed for the care, support, and maintenance of a juvenile committed to the department; providing for the reduction or waiver of such fees; providing for the deposit of such fees into the Juvenile Justice Facility Construction and Operation Trust Fund; revising criteria for determining suitability for imposing adult sanctions; amending s. 39.062, F.S.; conforming provisions to changes made by the act; creating s. 39.39, F.S.; defining the term "department" to mean the Department of Health and Rehabilitative Services for purposes of ss. 39.40-39.418, F.S.; creating s. 39.419, F.S.; defining the term "department" to mean the Department of Juvenile Justice for purposes of ss. 39.42-39.447, F.S.; amending s. 39.42, F.S.; providing duties and responsibilities of the Department of Juvenile Justice with respect to families in need of services and children in need of services; creating s. 39.449, F.S.; defining the term "department" to mean the Department of Health and Rehabilitative Services for purposes of ss. 39.45-39.456, F.S.; creating s. 39.459, F.S.; defining the term "department" to mean the Department of Health and Rehabilitative Services for purposes of ss. 39.46-39.474, F.S.; amending s. 316.635, F.S.; providing that a minor who fails to appear as ordered by a court having jurisdiction over traffic violations commits contempt; authorizing the court to place a minor in secure detention for such offense; amending s. 316.655, F.S.; providing that a minor may be placed in secure detention for violating certain traffic offenses; requiring that the court order the Department of Highway Safety and Motor Vehicles to revoke, for specified periods, the driver's license of a minor who is convicted of driving under the influence of alcohol or drugs; requiring that a minor be temporarily held in custody following such arrest; amending s. 320.08045, F.S.; increasing the surcharge imposed on motor vehicle license taxes, and deposited into the Florida Motor Vehicle Theft Prevention Trust Fund to be used for juvenile justice purposes; amending s. 397.821, F.S.; conforming a cross-reference to changes made by the act; amending s. 860.1545, F.S.; providing for the Secretary of Juvenile Justice to be a member of the interagency task force for community juvenile justice partnership grants; amending s. 860.158, F.S.; revising the distribution of funds in the Florida Motor Vehicle Theft Prevention Trust Fund; amending s. 874.03, F.S.; redefining the term "pattern of youth and street gang activity" to eliminate "the purpose of furthering gang activity" for purposes of ch. 874, F.S., which increases the penalty for a felony or violent misdemeanor that is part of a pattern of youth and street gang activity, which provides a civil cause of action for a violation of the chapter, which provides for forfeiture of profits, proceeds, or instrumentalities of criminal activity of youth and street gangs, and which provides for reporting certain crime information; creating ss. 877.20-877.25, F.S.; providing legislative intent with respect to a curfew imposed on minors in this state; providing definitions; prohibiting a minor from being or remaining in a public place or establishment between certain hours; prohibiting a minor under a specified age who has been suspended or expelled from school from being or remaining in a public place, establishment, or school during certain hours; providing for a written warning and a penalty; requiring the law enforcement agency to attempt to contact the parent of a minor who violates a curfew; providing that the parent of a minor has a legal duty to ensure that the minor does not violate a curfew; providing for a written warning and a penalty; providing circumstances under which the curfew does not apply; providing that the curfew imposed by the act does not apply unless adopted by the governing body of a county or municipality; providing that the curfew imposed by the act may be superseded by a county or municipal ordinance; amending s. 943.045, F.S.; defining the term "criminal justice agency" to include the Department of Juvenile Justice for purposes of ss. 943.045-943.08, F.S., relating to criminal history records; amending s. 943.051, F.S.; requiring that the fingerprints of a minor who is charged with or found to have committed certain offenses be submitted to the Department of Law Enforcement; creating s. 943.0515, F.S.; providing for retaining the criminal history record of a minor for specified periods of time depending on whether the minor is classified as a serious or habitual juvenile offender under ch. 39, F.S.; providing circumstances under which an offender's criminal history record as a minor is merged with the offender's record as an adult; amending s. 943.052, F.S.; requiring the Department of Juvenile Justice to submit information to the Division of Criminal Justice Information Systems of the Department of Law Enforcement relating to the receipt or discharge of minors found to have committed certain specified offenses; amending s. 943.053, F.S.; requiring that the division provide a minor's criminal history record to a criminal justice agency for criminal justice purposes; requiring that the division provide a minor's criminal history record to certain governmental agencies for purposes of screening an applicant for employment or licensing; requiring that the division provide a minor's criminal history record to a school principal upon request; amending s. 943.056, F.S.; providing requirements for releasing a copy of a minor's criminal history record to the minor or his parent or legal guardian; amending s. 943.0581, F.S.; providing for the nonjudicial expunction of the arrest record of a minor; amending s. 943.0585, F.S.; providing circumstances under which the court may order the expunction of a minor's criminal history record; providing certain exceptions; requiring the Department of Corrections and each county to develop programs under which judges may order that certain juveniles be allowed to tour the detention facilities of the department or the county; prohibiting a person other than an agent of the Department of Juvenile Justice or the Department of Health and Rehabilitative Services from giving shelter to a minor without the consent of the minor's parent or guardian and without notifying a law enforcement officer, a child-caring agency, or a child-placing agency; providing a penalty; providing that the parent or guardian of a minor has a right of action against a person who unlawfully shelters the minor; requiring the Advisory Council on Intergovernmental Relations to study the impact of the act on local governments; requiring a report; providing legislative intent with respect to transferring certain provisions from ch. 39, F.S., relating to the Department of Juvenile Justice; providing appropriations; authorizing additional positions for the Department of Law Enforcement; authorizing the Governor to transfer vacant positions from the Department of Health and Rehabilitative Services to the Department of Juvenile Justice; providing for severability; providing an effective date.

nile justice purposes; amending s. 397.821, F.S.; conforming a cross-reference to changes made by the act; amending s. 860.1545, F.S.; providing for the Secretary of Juvenile Justice to be a member of the interagency task force for community juvenile justice partnership grants; amending s. 860.158, F.S.; revising the distribution of funds in the Florida Motor Vehicle Theft Prevention Trust Fund; amending s. 874.03, F.S.; redefining the term "pattern of youth and street gang activity" to eliminate "the purpose of furthering gang activity" for purposes of ch. 874, F.S., which increases the penalty for a felony or violent misdemeanor that is part of a pattern of youth and street gang activity, which provides a civil cause of action for a violation of the chapter, which provides for forfeiture of profits, proceeds, or instrumentalities of criminal activity of youth and street gangs, and which provides for reporting certain crime information; creating ss. 877.20-877.25, F.S.; providing legislative intent with respect to a curfew imposed on minors in this state; providing definitions; prohibiting a minor from being or remaining in a public place or establishment between certain hours; prohibiting a minor under a specified age who has been suspended or expelled from school from being or remaining in a public place, establishment, or school during certain hours; providing for a written warning and a penalty; requiring the law enforcement agency to attempt to contact the parent of a minor who violates a curfew; providing that the parent of a minor has a legal duty to ensure that the minor does not violate a curfew; providing for a written warning and a penalty; providing circumstances under which the curfew does not apply; providing that the curfew imposed by the act does not apply unless adopted by the governing body of a county or municipality; providing that the curfew imposed by the act may be superseded by a county or municipal ordinance; amending s. 943.045, F.S.; defining the term "criminal justice agency" to include the Department of Juvenile Justice for purposes of ss. 943.045-943.08, F.S., relating to criminal history records; amending s. 943.051, F.S.; requiring that the fingerprints of a minor who is charged with or found to have committed certain offenses be submitted to the Department of Law Enforcement; creating s. 943.0515, F.S.; providing for retaining the criminal history record of a minor for specified periods of time depending on whether the minor is classified as a serious or habitual juvenile offender under ch. 39, F.S.; providing circumstances under which an offender's criminal history record as a minor is merged with the offender's record as an adult; amending s. 943.052, F.S.; requiring the Department of Juvenile Justice to submit information to the Division of Criminal Justice Information Systems of the Department of Law Enforcement relating to the receipt or discharge of minors found to have committed certain specified offenses; amending s. 943.053, F.S.; requiring that the division provide a minor's criminal history record to a criminal justice agency for criminal justice purposes; requiring that the division provide a minor's criminal history record to certain governmental agencies for purposes of screening an applicant for employment or licensing; requiring that the division provide a minor's criminal history record to a school principal upon request; amending s. 943.056, F.S.; providing requirements for releasing a copy of a minor's criminal history record to the minor or his parent or legal guardian; amending s. 943.0581, F.S.; providing for the nonjudicial expunction of the arrest record of a minor; amending s. 943.0585, F.S.; providing circumstances under which the court may order the expunction of a minor's criminal history record; providing certain exceptions; requiring the Department of Corrections and each county to develop programs under which judges may order that certain juveniles be allowed to tour the detention facilities of the department or the county; prohibiting a person other than an agent of the Department of Juvenile Justice or the Department of Health and Rehabilitative Services from giving shelter to a minor without the consent of the minor's parent or guardian and without notifying a law enforcement officer, a child-caring agency, or a child-placing agency; providing a penalty; providing that the parent or guardian of a minor has a right of action against a person who unlawfully shelters the minor; requiring the Advisory Council on Intergovernmental Relations to study the impact of the act on local governments; requiring a report; providing legislative intent with respect to transferring certain provisions from ch. 39, F.S., relating to the Department of Juvenile Justice; providing appropriations; authorizing additional positions for the Department of Law Enforcement; authorizing the Governor to transfer vacant positions from the Department of Health and Rehabilitative Services to the Department of Juvenile Justice; providing for severability; providing an effective date.

By the Committee on Health and Rehabilitative Services; and Senator McKay—

CS for SB 182—A bill to be entitled An act relating to Medicaid reimbursement; amending s. 400.051, F.S.; revising an exemption from provisions regulating nursing homes; amending s. 409.905; providing for Medicaid reimbursement to a hospital providing nursing services in a Medicare skilled nursing facility; amending s. 409.908, F.S.; providing for Medicaid reimbursement to hospitals providing skilled nursing services; limiting the period services may be provided; deleting provisions relating to reimbursement to hospitals providing skilled nursing services during emergencies; providing an effective date.

By the Committee on Finance, Taxation and Claims; and Senator Dudley—

CS for SJR 390—A joint resolution proposing an amendment to Section 4 of Article VII of the State Constitution, relating to assessment of property for purposes of taxation.

By the Committee on Governmental Operations and Senator Bankhead—

CS for SB 576—A bill to be entitled An act relating to courts-martial; amending s. 250.35, F.S.; providing that the commanding officer of each major command of the Florida National Guard or his superior commander may convene a special courts-martial empowered to adjudicate a bad conduct discharge for that command; providing for powers of punishment; providing a limitation on fines and confinement; providing an effective date.

By the Committee on Finance, Taxation and Claims; and Senator Wexler—

CS for SB 690—A bill to be entitled An act relating to ad valorem tax administration; amending s. 193.075, F.S.; exempting certain mobile homes from ad valorem taxation; amending ss. 193.085, 194.171, F.S.; revising provisions relating to assessment of railroad property; authorizing the sharing of information; providing for venue in actions relating to such property; providing for suspension of collection of taxes in certain circumstances; amending s. 196.031, F.S.; prescribing requirements to be eligible for a homestead exemption; amending s. 196.101, F.S.; removing an award letter from the Social Security Administration to certify total and permanent disability for receiving an ad valorem tax exemption; permitting osteopathic physicians, in addition to physicians, to certify total and permanent disability; requiring the address of the physician on the physician's certificate certifying disability; amending ss. 196.101, 196.131, F.S.; requiring willfulness, in addition to knowledge, to be guilty of a misdemeanor and revising the penalty for giving false information to claim disability; amending s. 200.065, F.S.; deleting a requirement that the resolution or ordinance adopted by a taxing authority stating its millage rate be sent to the Department of Revenue; amending ss. 193.1142 and 196.011, F.S.; requiring the inclusion of the social security numbers of an applicant for specified ad valorem tax exemptions, and of the applicant's spouse, if any, in exemption applications and assessment rolls; providing procedures for refiling of applications that omit the social security numbers; providing for implementation; providing a contingent effective date; providing that only property owned by persons not entitled to an exemption is subject to a tax lien; amending s. 196.041, F.S.; allowing lessees owning the leasehold interest in a bona fide lease having an original term of 98 years or more in a parcel in a residential subdivision to be deemed to have legal or beneficial and equitable title to property, thus qualifying them for a homestead exemption; amending s. 196.161, F.S.; requiring the property appraiser to serve a notice of intent to record a notice of tax lien against property that improperly received homestead exemption and allow the owner 30 days to pay taxes, penalties, and interest; clarifying that only property owned by the person improperly receiving the homestead exemption is subject to tax lien; providing effective dates.

By the Committee on Natural Resources and Conservation; and Senators McKay, Johnson, Casas, Gutman, Brown-Waite, Sullivan, Kiser, Crist, Beard, Hargrett, Kirkpatrick, Diaz-Balart, Williams and Dyer—

CS for SB 1068—A bill to be entitled An act relating to water resources; creating the Water Management District Review Commission; prescribing its duties and responsibilities; repealing ss. 373.069-373.197, F.S., relating to water resources, and providing for legislative review of such sections; providing an appropriation; providing an effective date.

By the Committee on Finance, Taxation and Claims; and Senator Wexler—

CS for SB 1074—A bill to be entitled An act relating to tax administration; amending s. 45.031, F.S., which provides procedures for judicial sales of real or personal property; providing for filing a copy of the report of disbursements with the Department of Revenue; amending s. 69.041, F.S., which provides requirements relating to certain civil actions in which the state is named a party; providing requirements relating to the right of the department to participate in the disbursement of surplus funds in mortgage foreclosure actions; providing applicability; amending s. 125.0104, F.S.; authorizing counties levying the areas of critical state concern tourist impact tax to collect and administer the tax on a local basis; amending s. 199.185, F.S., exempting certain taxpayers from intangible personal property tax on accounts receivable derived from certain sales of alcoholic beverages; amending s. 199.232, F.S.; requiring the department to refund overpayments of intangible personal property tax without written claim; amending s. 206.028, F.S.; authorizing the Department of Revenue to contract with private companies to investigate applicants for a motor fuel refiner, importer, or wholesaler license; amending ss. 206.05 and 206.90, F.S.; revising the amount of the bond required of licensed motor fuel refiners, importers, and wholesalers and licensed special fuel dealers; authorizing the department to estimate purchases under certain conditions; removing a requirement for an additional bond for certain importers and wholesalers; amending s. 206.065, F.S.; revising bond requirements applicable to wholesalers authorized to self-accrue tax; amending s. 212.031, F.S.; providing that a person providing motor vehicle rentals at an airport is not exercising a taxable privilege; amending ss. 212.03, 212.06, and 212.18, F.S.; providing that persons who rent or grant a license to use accommodations in apartment houses, rooming-houses, and tourist or trailer camps for periods longer than 6 months are not exercising a taxable privilege and are not considered sales tax dealers; amending s. 212.05, F.S.; providing an exemption from the sales and use tax for out-of-state sales of detective, burglar protection, and other protection services; providing for record keeping; providing that sales on taxable services are due when taxes are collected, amending ss. 212.04 and 212.18, F.S.; increasing the sales tax dealer registration fee; amending s. 212.08, F.S.; exempting certain leases of or licenses to use taxicabs or taxicab related equipment and services from the sales and use tax; amending s. 212.11, F.S.; revising conditions under which the department may authorize quarterly or semiannual sales tax returns; amending s. 212.20, F.S.; providing for the disposition of registration fees; amending s. 212.67, F.S., which authorizes refunds of the tax on sales of fuels; authorizing transit systems, municipalities, counties, and school districts that are licensed as special fuel dealers to take a credit in lieu of refund; amending s. 213.053, F.S.; authorizing the department to provide certain information relating to part I of chapter 212, F.S., to the Office of Agriculture Law Enforcement of the Department of Agriculture and Consumer Services; amending s. 213.21, F.S.; authorizing the department to settle or compromise a taxpayer's liability for the service fee imposed on a dishonored check or draft under certain conditions; amending s. 403.7197, F.S., relating to the advance disposal fee; requiring distributors to disclose previously paid ADF and sales tax registration numbers on invoices to bars and restaurants; providing relief from penalties under certain circumstances; revising certain record-keeping requirements; authorizing the department to assess a penalty for failure to provide required information on returns; amending ss. 538.09 and 538.25, F.S.; revising the fee required for fingerprint processing of applicants for registration as a secondhand dealer or secondary metals recycler; authorizing the department to modify reporting or filing periods to facilitate calculation of penalty and interest due under certain conditions; amending s. 624.5092, F.S.; clarifying that the retaliatory tax does not apply to sales and use taxes; providing legislative intent; providing effective dates.

By the Committee on Governmental Operations and Senator Forman—

CS for SB 1232—A bill to be entitled An act relating to the Solicitation of Contributions Act; amending s. 496.413, F.S.; providing for the disbursement of excess funds in a trust account; amending s. 496.423, F.S.; providing for a plan of distribution of information; providing for expansion of the public information program; providing an effective date.

By the Committee on Health and Rehabilitative Services; and Senators Forman and Diaz-Balart—

CS for SB 1246—A bill to be entitled An act relating to adult protective services; amending s. 415.101, F.S.; revising legislative intent under the Adult Protective Services Act; providing for care and protection of all vulnerable adults; amending s. 415.102, F.S.; revising definitions; amending s. 415.103, F.S.; revising operation of the central abuse registry and tracking system; creating s. 415.1034, F.S.; prescribing requirements for mandatory reporting of abuse, neglect, exploitation, or death; creating ss. 415.1035, 415.1036, F.S.; prescribing provisions relating to a facility's duty to inform residents of the right to make reports and to immunity for reporters; creating s. 415.1045, F.S.; providing requirements for protective services investigations and transmittal of records to state attorneys; providing for use of photographs, video tapes, medical examinations, and X rays; providing for abrogation of privileged communications; providing for confidential records and documents; providing for classification or closure of records; amending s. 415.105, F.S.; revising requirements for provision of protective services with consent or when consent is withdrawn; deleting provisions relating to protective services for aged persons or disabled adults who lack capacity to consent, or whose caregivers refuse services, or in an emergency; creating s. 415.1051, F.S.; prescribing requirements for provision of protective services when capacity to consent is lacking; providing for nonemergency and emergency interventions; providing for notice and hearings; providing for protective services orders; specifying limitations; creating s. 415.1052, F.S.; prescribing procedures relating to interference with an investigation or the provision of protective services; creating s. 415.1055, F.S.; providing for notification of reports to administrative entities and other persons and notification by law enforcement and state attorneys; amending s. 415.106, F.S.; revising requirements for cooperation between the Department of Health and Rehabilitative Services and criminal justice and other agencies; creating s. 415.1065, F.S.; requiring certain records management; amending s. 415.107, F.S.; revising provisions relating to confidentiality of reports and records; creating s. 415.1075, F.S.; providing for administrative remedies; providing for amendment or expunction of reports; providing for appeals; providing for request to set aside a report due to excusable neglect or fraud; creating s. 415.1099, F.S.; providing for waiver of certain filing fees; amending s. 415.1102, F.S.; revising provisions relating to adult protection teams and services provided thereby; creating s. 415.1105, F.S.; providing for training programs for adult protective services staff and persons required to report abuse, neglect, or exploitation; amending s. 415.111, F.S.; revising and expanding criminal penalties; creating s. 415.1111, F.S.; providing civil penalties; providing for a private right of action for abuse, neglect, or exploitation of a vulnerable adult; creating s. 415.1113, F.S.; providing for administrative fines for false reporting; providing for allegations; providing for notice and hearing; amending s. 415.113, F.S., relating to statutory construction; amending ss. 39.001, 39.045, 39.076, 39.411, 110.1127, 119.07, 242.335, 393.0655, 394.457, 395.3025, 397.451, 400.211, 400.414, 400.619, 402.305, 409.175, 415.504, 447.208, 447.401, 464.018, 509.032, 744.474, 775.15, 943.0585, 943.059, F.S.; revising standards for screening to conform to the act; conforming terminology and correcting cross-references; providing for screening of personnel of certain programs of the Department of Elderly Affairs; amending s. 400.211, F.S.; expanding provisions relating to screening of certified nursing assistants; providing penalties; amending s. 400.512, F.S.; revising provisions relating to screening of home health agency personnel, nurse registry personnel, sitters, companions, and homemakers; providing procedure for exemption from disqualification; repealing ss. 415.104, 415.1085, and 415.109, F.S., relating to protective services investigations, use of photographs, medical examinations, and X rays, and abrogation of privileged communications in cases of abuse, neglect, or exploitation of aged persons or disabled adults; providing an effective date.

By the Committee on Natural Resources and Conservation—

CS for SB 1346—A bill to be entitled An act relating to wetlands; amending s. 373.414, F.S.; providing that certain declaratory statements remain valid until the expiration date of the permit; creating s. 373.4211, F.S.; ratifying Rule 17-340, Florida Administrative Code, with changes, which provides a uniform methodology for the delineation of the extent of wetlands; amending s. 403.939, F.S., relating to temporary exceptions from certain dredge-and-fill regulation for specified sand, limerock, and limestone mining activities; clarifying citations to applicable regulations and clarifying references to the regulatory agency; extending these exceptions for an additional 5-year period and to include certain contiguous lands; repealing s. 46, ch. 93-213, Laws of Florida, which provides for the repeal, effective October 1, 1994, of s. 403.939, as renumbered from s. 403.913(8), F.S.; repealing s. 373.414(16), F.S., which provides for review of the excepted mining activities under certain rules unless an election is made to continue under the rules presently applicable; repealing s. 403.817, F.S., which provides legislative intent as to the determination of the natural landward extent of waters; repealing s. 403.8171, F.S., relating to ratification of Rule 17-4.022, Florida Administrative Code, which provides for the determination of the landward extent of surface waters; providing an effective date.

By the Committee on Natural Resources and Conservation; and Senator Kirkpatrick—

CS for SB 1422—A bill to be entitled An act relating to state lands; amending s. 253.002, F.S.; authorizing the Board of Trustees of the Internal Improvement Trust Fund to delegate to the Department of Environmental Protection certain statutory duties or obligations related to the acquisition, administration, or disposition of lands; amending s. 253.025, F.S.; revising provisions with respect to the acquisition of state lands to authorize the board of trustees to accept the conveyance of certain lands when the title is nonmarketable; providing for the confidentiality of certain appraisal reports; authorizing the state to reimburse landowners for certain expenses; amending s. 253.03, F.S.; providing for a discount on annual lease fees for leases that are open to the public on a first-come-first-served basis; providing criteria for classification of open to the public on a first-come-first-served basis for certain marinas; providing certain requirements for discount eligibility; providing that users of state lands may not discriminate against others in the use of those lands; providing for revocation of approval to use state lands if discrimination occurs; amending s. 253.111, F.S.; revising provisions with respect to notice to the board of county commissioners prior to a sale; providing for sale or disposition when no certified copy of a required resolution is received; providing that the failure of the board of trustees to comply with the requirements of the section shall not invalidate certain sales or conveyances; amending s. 259.101, F.S.; revising provisions with respect to the Florida Preservation 2000 Act to provide for the disposition of certain lands and to provide for the alternate governmental use of acquired lands; providing for retroactive application; providing an effective date.

By the Committee on Finance, Taxation and Claims—

CS for SB 1448—A bill to be entitled An act relating to homestead property; amending s. 192.001, F.S.; redefining the term "assessed value of property," for purposes of ad valorem taxation, to include a reference to s. 4(c), Art. VII of the State Constitution; redefining the term "homestead" to delete reference to s. 4(a)(1), Art. X of the State Constitution; creating s. 193.155, F.S.; providing for implementing s. 4(c), Art. VII of the State Constitution, which prescribes limits in increases in valuation of homestead property; amending s. 193.461, F.S.; providing for separation of property containing a residence from property receiving agricultural classification which is under the same ownership; amending s. 195.073, F.S., to require that tax rolls be subdivided into homestead and nonhomestead property; amending s. 195.0985, F.S., to change the type of sales studies to be conducted by the department with county tax rolls; amending s. 196.012, F.S.; redefining the term "real estate used and owned as a homestead," for purposes of tax exemptions, to delete reference to s. 4(a)(1), Art. X of the State Constitution; amending s. 200.069, F.S.; including additional assessment information pertaining to homesteads; providing an effective date.

By the Committee on Health and Rehabilitative Services; and Senator Kirkpatrick—

CS for SB 1640—A bill to be entitled An act relating to adult congregate living facilities; amending s. 400.404, F.S.; exempting from regulation certain facilities where the residents nominate the board directors, and certain facilities in existence for a specified period of time which are owned by a fraternal organization; amending s. 408.036, F.S.; exempting from regulation certain private retirement-community facilities; amending s. 440.051, F.S.; exempting specified facilities from regulation as nursing homes; providing effective dates.

By the Committee on Health and Rehabilitative Services; and Senator Myers—

CS for SB 1784—A bill to be entitled An act relating to drugs, devices, cosmetics, and household products; reenacting s. 499.035, F.S., as amended, relating to dimethyl sulfoxide; reenacting s. 499.05, F.S., relating to rules of the Department of Health and Rehabilitative Services; reenacting s. 499.051, F.S., as amended, relating to inspections and investigations; reenacting s. 499.066, F.S., as amended, relating to penalties and remedies; providing intent; providing for retroactive effect; amending s. 381.0203, F.S.; authorizing the Department of Health and Rehabilitative Services to contract for purchase of drugs to be used by state agencies and political subdivisions; providing an effective date.

By the Committee on Corrections, Probation and Parole; and Senator Dantzler—

CS for SB 1806—A bill to be entitled An act relating to corrections; amending s. 947.146, F.S., relating to the Control Release Authority; revising the inmate population guidelines with respect to lawful capacity of the state prison system which are used for purposes of control release and emergency control release; amending s. 944.0231, F.S.; revising the inmate population guidelines with respect to the transfer of inmates with active detainees; providing an effective date.

By the Committee on Governmental Operations and Senators Burt, Boczar and McKay—

CS for SB 1862—A bill to be entitled An act relating to leases of real property for state agencies; amending ss. 255.249, 255.25, F.S.; prescribing duties of the Division of Facilities Management in procuring leased space for state agencies; providing for options to purchase as part of the acquisition of real property by lease; authorizing deposit of a cashier's check or money order when protesting a decision pertaining to a competitive bid for obtaining space by lease; providing that the user agency is the lessee in a lease of space for government use; renaming the Public Facilities Conversion Revolving Trust Fund; providing for the Department of Management Services to use allocations from the fund to pay building acquisition or construction costs without specific appropriation; deleting a prohibition on certain acquisitions of space by lease; amending ss. 255.254, 255.255, F.S.; deleting provisions providing for life-cycle analysis of property obtained by lease; amending s. 946.504, F.S.; providing for the corporation that operates the correctional work programs and the Department of Corrections to negotiate the lease of the facilities used in each work program; amending s. 255.518, F.S.; providing that the Public Facilities Acquisition and Conversion Revolving Trust Fund may be reimbursed from subsequent appropriations; amending s. 216.044, F.S., regarding determination of costs of construction; amending s. 216.181, F.S.; authorizing the Executive Office of the Governor to approve allocations from the fund; amending s. 216.292, F.S.; conforming that section to the amendments made by this act; amending s. 216.292, F.S., to reference s. 255.25(4)(c), F.S., regarding appropriations; providing an effective date.

By the Committee on Community Affairs and Senators Forman, Jones, Jennings, Casas, Meadows, Diaz-Balart, Myers, Silver, Turner, Gutman, Foley, Kiser, Dudley and Crist—

CS for SB 1920—A bill to be entitled An act relating to financial matters of local governments; creating s. 125.0171, F.S.; authorizing counties to contract for audits of persons who are required to pay any county tax or fee; prescribing guidelines for such contracts; creating s. 166.271, F.S.; authorizing municipalities to contract for audits of persons who are required to pay any municipal tax or fee; prescribing guidelines for such contracts; amending s. 125.66, F.S., allowing charter counties by extraordinary vote to alter the time for public hearings on land-use ordinances; providing an effective date.

By the Committee on Community Affairs and Senator Jones—

CS for SB 1928—A bill to be entitled An act relating to enterprise zones; extending the expiration dates for provisions of law pertaining to enterprise zones; amending s. 159.27, F.S.; revising the definition of the term "commercial project in an enterprise zone" for the purposes of bond financing; amending s. 159.803, F.S.; revising the definition of the term "priority project" for the purposes of bond financing; amending s. 163.503, F.S.; revising the definition of the term "enterprise zone" for the purposes of the Safe Neighborhoods Act; amending s. 163.522, F.S.; revising a reference to enterprise zones for the purposes of the Safe Neighborhoods Act; amending s. 166.231, F.S.; revising the procedure for exempting a business located in such a zone from the municipal public service tax; amending s. 193.077, F.S.; revising the notice requirements for businesses seeking to qualify for enterprise zone property tax credit; amending s. 193.085, F.S., relating to valuation of real property; revising the applicability of such expiration to apply solely to enterprise zone property tax credits; amending s. 195.073, F.S., relating to classification of real property for purposes of tax assessment; revising the provision for classification of property if a business qualifies for an enterprise zone tax credit; amending s. 195.099, F.S.; revising the provision for review of assessments pertaining to enterprise zone property; amending s. 196.012, F.S.; revising the definition of the term "enterprise zone" for purposes of exemption from taxation; providing for the expiration of that definition; amending s. 196.1995, F.S.; revising a reference to the term "enterprise zone" for the purpose of economic development ad valorem tax exemption; amending s. 205.022, F.S.; revising the definition of the term "enterprise zone" for purposes of local occupational license taxation; amending s. 205.054, F.S.; revising the procedure for partial exemption of a business or occupation located in an enterprise zone from the occupational license tax; amending s. 212.02, F.S.; revising the definition of the term "enterprise zone" for purposes of the tax on sales, use, and other transactions; amending s. 212.08, F.S.; revising the certification procedure necessary for the sales tax exemptions on building materials used in the rehabilitation of real property located in an enterprise zone and on business property used in an enterprise zone; increasing the limitations on these exemptions by way of sales tax refunds; redefining terms; amending s. 212.096, F.S.; revising the procedure for claiming the enterprise zone jobs credit against sales tax; providing a definition of the term "eligible employee"; deleting the definition of the term "new employee"; amending s. 220.02, F.S.; revising legislative intent with respect to applicability of that credit; deleting a prohibition concerning civil disorder; amending s. 220.03, F.S.; revising definitions and removing obsolete provisions related to enterprise zone sales tax credits; amending s. 220.13, F.S.; redefining the term "adjusted federal income" under the Florida Income Tax Code to conform; amending s. 220.181, F.S.; revising the enterprise zone jobs credit; amending s. 220.182, F.S.; revising the enterprise zone property tax credit; amending s. 220.183, F.S.; revising requirements for granting a community contribution tax credit to require that the project be located in an enterprise zone; amending s. 288.063, F.S., relating to economic development programs; revising references related to enterprise zones; amending s. 288.701, F.S., relating to economic development programs, to conform; amending ss. 290.001, 290.002, F.S.; revising provisions related to the short title and legislative findings for the Florida Enterprise Zone Act; amending s. 290.003, F.S.; revising the policies and purposes of that act; amending s. 290.004, F.S.; redefining terms used in that act; repealing s. 290.005, F.S., relating to local designation of enterprise zones; amending s. 290.0055, F.S.; providing for an application for designation of enterprise zones; creating s. 290.0056, F.S.; requiring the establishment of an enterprise zone advisory council by a county or municipality; prescribing powers and duties of such a council; repealing

s. 290.006, F.S., relating to state approval of designated enterprise zones; creating s. 290.0061, F.S.; providing for the adoption of a strategic enterprise zone development plan; amending s. 290.0065, F.S.; revising the procedure to receive state approval of an area applying for designation as an enterprise zone; amending s. 290.007, F.S.; deleting the sales tax exemption for electrical energy used in an enterprise zone; creating s. 290.0075, F.S.; prescribing the administrative responsibilities of the Department of Commerce with respect to strategic enterprise zone development plans; creating s. 290.0076, F.S.; providing for application for and use of enterprise zone development funds; providing for rulemaking; amending s. 290.008, F.S.; authorizing certain federal empowerment zones and enterprise communities to be designated enterprise zones under the state program; amending s. 290.009, F.S.; establishing, and prescribing the purpose and composition of, the Enterprise Zone Interagency Coordinating Council; repealing s. 290.012, F.S., which provides for designation of certain slum and blighted areas as enterprise zones; providing for continuation of certain enterprise zones until December 31, 1994; providing for businesses to receive the full benefit of refunds, exemptions, or credits previously granted; repealing s. 20, chapter 92-319, Laws of Florida, which specifies certain qualifications for the sales tax exemptions for business property and electrical energy in enterprise zones and the enterprise zone property tax credit against the corporate income tax for counties in which the government is consolidated with that of one or more municipalities; amending s. 290.013, F.S.; revising provisions related to provision of incentives with respect to enterprise zones and revising dates reports are due to the Department of Commerce; amending s. 290.0135, F.S.; revising provisions relating to review of ordinances; amending s. 290.014, F.S., revising provisions pertaining to annual reports with respect to enterprise zones; amending s. 290.015, F.S.; extending the dates of the evaluation and review of the Florida Enterprise Zone Act by the Auditor General and the Legislature; amending s. 290.034, F.S., relating to the Operating Trust Fund; revising a reference to the approval of enterprise zones; amending s. 290.035, F.S., relating to community development corporations; revising a reference to the approval of enterprise zones; amending s. 290.036, F.S., relating to the community development corporation support program; revising a reference to the approval of enterprise zones; amending s. 624.5105, F.S.; revising the community contribution tax credit to limit such credits to projects located in enterprise zones or to projects designed to construct or rehabilitate low-income housing; transferring administration of the award of the credit from the Department of Community Affairs to the Department of Commerce; providing an appropriation and providing additional positions to the latter department; transferring the enterprise zone program from the Department of Community Affairs to the Department of Commerce; providing effective dates.

By the Committee on Agriculture and Senator Bankhead—

CS for SB 2038—A bill to be entitled An act relating to animal control; amending s. 767.12, F.S.; revising provision with respect to the classification of a dog as dangerous; providing for notification to an owner; specifying the time period for getting a certificate when a dog has been classified as dangerous; amending s. 767.13, F.S.; revising provision with respect to an attack or bite by a dangerous dog; amending s. 828.12, F.S.; clarifying acts constituting misdemeanor and felony charges; limiting liability for veterinarians who render services dealing with cruelty to animals; amending s. 828.27, F.S.; providing that the commission of a charged infraction at a hearing related to cruelty to animals must be proven by a preponderance of the evidence; increasing a civil penalty surcharge and prescribing the uses of proceeds from such surcharges; providing for continuing education requirements for county-employed animal control officers; requiring all dogs and cats to be vaccinated by a licensed veterinarian; providing an exemption; requiring certification; authorizing a civil penalty; providing for local enactment of similar requirements; providing for application; providing an effective date.

By the Committee on Health Care and Senator Forman—

CS for SB 2110—A bill to be entitled An act relating to Medicaid provider fraud; transferring responsibility for administering the state Medicaid fraud-control program from the Auditor General to the Department of Legal Affairs; creating s. 16.59, F.S.; establishing a Medicaid Fraud-Control office in the Department of Legal Affairs; amending ss. 409.907, 409.910, 409.913, F.S.; incorporating conforming revisions; amending s. 409.920, F.S.; conforming the transfer of duties and provid-

ing for assistance from any state attorney or law enforcement agency in investigating and prosecuting Medicaid fraud cases; providing an effective date.

By the Committee on Health Care and Senators Forman and Myers—

CS for SB 2116—A bill to be entitled An act relating to services provided under Medicaid; amending s. 409.906, F.S.; authorizing the Department of Health and Rehabilitative Services to pay for certain dialysis services; amending s. 409.908, F.S.; providing, for certain dialysis services, an exception to the cap on hospital outpatient services; prescribing the methodology for the reimbursement of the provider of certain outpatient dialysis services; providing an effective date.

By the Committee on Natural Resources and Conservation; and Senators Kirkpatrick, Kiser and Grogan—

CS for SB 2162—A bill to be entitled An act relating to the Gas Tax Collection Trust Fund; amending s. 212.69, F.S.; increasing the amount of money to be transferred annually from the trust fund and specifying the purposes for which those moneys may be used; revising the restrictions upon the use of certain transferred funds; providing an effective date.

By the Committee on Executive Business, Ethics and Elections; and Senator Burt—

CS for SB 2334—A bill to be entitled An act relating to the canvass of election returns; amending s. 101.5614, F.S.; allowing the election board to deliver the sealed ballot box to the counting location; providing an effective date.

By the Committee on Health Care and Senator Gutman—

CS for SB 2504—A bill to be entitled An act relating to health testing services; amending s. 483.051, F.S.; providing that the Agency for Health Care Administration is solely responsible for regulating alternate-site clinical laboratory testing; revising requirements for rules regulating such testing; amending s. 483.23, F.S.; exempting persons administering clinical laboratory testing at alternate-site labs from the prohibition on performing clinical laboratory procedures unless licensed under part IV of ch. 483, F.S.; amending s. 483.800, F.S.; restating legislative purpose with respect to regulation of clinical laboratory personnel; amending s. 483.801, F.S.; providing that part IV of ch. 483, F.S., relating to regulation of clinical laboratory personnel, does not apply to persons performing alternate-site testing or persons performing tests in laboratories operated for the exclusive use of a health care practitioner; amending s. 483.803, F.S.; redefining the term "clinical laboratory personnel," for purposes of regulating such persons, to exclude persons performing alternate-site testing and persons performing tests in laboratories operated for the exclusive use of a health care practitioner; amending s. 483.811, F.S.; deleting reference to board responsibility for regulation of personnel in laboratories operated under s. 483.035; amending s. 483.813, F.S.; exempting persons performing alternate-site testing or performing tests in laboratories operated for the exclusive use of a health care practitioner from licensure requirements; providing an effective date.

By the Committee on Governmental Operations—

CS for SB 2522—A bill to be entitled An act relating to information technology resources and communications; amending s. 20.22, F.S.; changing the name of the Administrative Management Information Center of the Department of Management Services; amending s. 215.22, F.S.; exempting certain proceeds of the Communications Working Capital Trust Fund from a service charge; creating s. 282.20, F.S.; designating the Technology Resource Center of the Department of Management Services as an information system utility; assigning duties; creating a data processing policy board for the center; specifying members; authorizing experiments and pilot projects using information technology resources; providing funding; authorizing expenditure of reserve account funds; amending s. 282.304, F.S., relating to the Information Resource Commission; redesignating the executive administrator of the commission as the

executive director; specifying independence of the commission; specifying duties of the executive director; repealing s. 282.306, F.S., relating to the executive administrator of the commission; amending s. 282.307, F.S.; requiring agency information resources management plans to be consistent with state agency strategic plans; amending s. 282.308, F.S.; correcting terminology to conform; amending s. 186.021, F.S.; requiring state agency strategic plans to identify information resources management needs associated with agency programs; amending s. 186.022, F.S.; requiring the Executive Office of the Governor to consider in its review of state agency strategic plans the findings of the Information Resource Commission with respect to strategic information resources management issues; amending ss. 110.173, 215.96, 216.0445, 282.1021, 282.303, 282.305, 282.3061, 282.314, 282.403, 282.502, 287.073, F.S.; conforming references in those sections to the redesignation of the executive administrator of the commission as the executive director; providing an effective date.

By the Committee on Governmental Operations and Senators Boczar and Jones—

CS for SB 2524—A bill to be entitled An act relating to public records; creating the Public-Records Mediation Program; creating the Fair Information Practices Act; providing definitions; providing the purpose of the act; requiring that certain departments compile an index of certain databases; providing exceptions; providing for the correction of personal information in certain public records; requiring that departments note disputed personal information in the records; providing for the Department of State to collect a reasonable fee for furnishing an electronic copy of a computer database; creating s. 28.001, F.S.; defining the terms "official record" and "public record" for the purpose of ch. 28, F.S., relating to the clerks of the circuit court; amending s. 28.07, F.S.; providing that the official records books of each county must be kept at the county seat; repealing s. 28.17, F.S., which provides for the verification of deeds and other instruments of writing by the clerk of the circuit court before recording them; amending s. 28.19, F.S.; deleting a provision requiring the clerk of the circuit court to verify an instrument in writing before the clerk may receive payment of a service charge for recording the instrument; amending s. 28.24, F.S.; providing for the clerk of the circuit court to charge a reasonable fee for furnishing electronic copies of a computer database; amending s. 28.30, F.S.; deleting provisions relating to the destruction of vouchers and warrants; providing that reproductions from an electronic recordkeeping system are admissible into evidence; providing that the destruction of public records must be done in accordance with the rules of the Department of State; providing that electronic recordkeeping procedures must be in accordance with the rules of the Department of State; specifying the official date and time of filing of an electronically transmitted document with the clerk of the circuit court; amending s. 92.29, F.S.; providing for admissibility as evidence of electronic copies of documents; amending s. 119.01, F.S.; revising the state policy on public records to provide legislative findings; requiring the Department of State to adopt a model policy concerning public access to public records; amending s. 119.011, F.S.; revising the definition of the term "public records" to include data-processing software and other means of transmission; amending s. 119.07, F.S.; authorizing agencies to charge fees for furnishing electronic copies of computer databases; amending s. 119.083, F.S.; providing a definition of the term "proprietary software"; providing requirements for agencies that use such software; providing requirements for agencies that maintain public records in data-processing systems; providing requirements for agencies before the agencies acquire or make major modifications to electronic recordkeeping systems; prohibiting agencies from entering into contracts which impair the ability of the public to inspect or copy public records; amending s. 257.36, F.S.; requiring that the Department of State develop a model policy for agencies that provide public access to public records; amending s. 319.25, F.S.; providing for the Department of Highway Safety and Motor Vehicles to furnish lists of title or registration information, to make photographic or electronic copies of those records, and to charge a reasonable fee for an electronic copy of a computer database; amending s. 322.20, F.S.; providing for the Department of Highway Safety and Motor Vehicles to charge a reasonable fee for providing an electronic copy of a driver's license computer database; amending s. 382.025, F.S.; providing for the Department of Health and Rehabilitative Services to charge and collect a reasonable fee for furnishing an electronic copy of a computer database; amending s. 695.26, F.S.; revising the requirement with respect to the format of an instrument affecting title to real property in order to enlarge the space reserved for use by the clerk in recording such instrument; amending s. 784.048, F.S.; providing increased penalties for stalking offenses if public records are used to identify or locate the victims; providing severability; providing an effective date.

EXECUTIVE BUSINESS

The Honorable Pat Thomas
President, The Florida Senate

March 9, 1994

Dear Mr. President:

The following executive appointments were referred to the Senate Committee on Executive Business, Ethics and Elections for action pursuant to Rule 12.7(a) of the Rules of the Florida Senate:

<i>Office and Appointment</i>	<i>For Term Ending</i>
Board of Accountancy Appointee: Paredes, Francisco J.	10/31/96
Board of Acupuncture Appointees: Fraser, John Michael Monteserin, Felicia A.	10/31/96 09/30/95
Florida Black Business Investment Board Appointees: Alexander, Wilts Clarence III Collins, Leroy Anthony Doragh, Peter	09/30/96 09/30/96 09/30/95
Florida Building Code Administrators and Inspectors Board Appointees: Batelaan, David Council, Luther Eugene, Jr. Eads, Harvey (Jack) C., Jr.	10/31/97 10/31/95 10/31/95
Board of Building Codes and Standards Appointees: Colvett, Kerry Jo Walthour, William Sam	02/03/95 02/07/97
Board of Chiropractic Appointees: Kirkland, Jessie Bing Wolfson, Wayne Curtis	08/01/95 10/31/96
Florida Citrus Commission Appointee: Schirard, Joseph Brantley	05/31/96
Hillsborough County Civil Service Board Appointees: Allen, Bonnie E. Bush, Ronald Edward Campbell, Lisa Denise Howton, Darrell F.	07/02/97 07/02/97 07/02/97 07/02/97
Board of Clinical Laboratory Personnel Appointee: Mann, Lonnie Bain III	10/31/96
Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling Appointees: Childs, Robert E. Monahan, Mary Jo	10/31/96 10/31/96
Florida Communities Trust Appointees: Rogers, Roy L. Tschinkel, Victoria Jean	01/31/97 01/31/97
State Board of Community Colleges Appointees: Belton, C. Ronald Delgado, Margarita Rohaidy Starnes, Marjorie	09/30/97 09/30/98 09/30/98
Board of Trustees of Brevard Community College Appointee: Dixon, Joyce Evelyn	05/31/97
Board of Trustees of Broward Community College Appointee: Ortis, Frank Carmen	05/31/97
Board of Trustees of Central Florida Community College Appointees: Hall, Cynthia Arnetta Irby, William Wright III Parker, Thelma Menchan	05/31/97 05/31/97 05/31/97
Board of Trustees of Daytona Beach Community College Appointees: Blossom, L. Roland Ford, James H. Scullion, William Joseph	05/31/97 05/31/97 05/31/97
Board of Trustees of Edison Community College Appointees: Hayward, Archie B., Jr. Kelly, Ann Johnson	05/31/97 05/31/97

<i>Office and Appointment</i>	<i>For Term Ending</i>	<i>Office and Appointment</i>	<i>For Term Ending</i>
Snow, Marie Fossett	05/31/97	Payne, John Alfred	05/31/97
Board of Trustees of Florida Community College at Jacksonville		Board of Trustees of Valencia Community College	
Appointees: Hufstetler, Connie Croom	05/31/97	Appointees: Auffant, James R.	05/31/95
Kelley, Howard Wells, Jr.	05/31/97	Billingslea, Deidre Patrice	05/31/97
		Prather, Edna Thacker	05/31/97
Board of Trustees of Florida Keys Community College		State of Florida Correctional Medical Authority	
Appointees: Almeda, Patricia Ann	05/31/97	Appointees: Berkowitz, Ellen Kay	07/01/95
Clark, Mona Carlisa	05/31/97	Brown, Marsha Lewis	07/01/97
		Taylor, Dennis A.	09/30/96
Board of Trustees of Gulf Coast Community College		Board of Cosmetology	
Appointee: Roberson, Ralph Christian	05/31/97	Appointee: Reddick, Nesper LaKay	10/31/96
Board of Trustees of Hillsborough Community College		Board of Trustees for the Florida School for the Deaf and the Blind	
Appointees: Bell, Gerard Alfred	05/31/97	Appointee: Mauldin, Mary Inez McCollough	12/10/96
Stewart, Edith M.	05/31/97		
Board of Trustees of Indian River Community College		Board of Dentistry	
Appointees: Graves, Mary Pfleger	05/31/95	Appointees: Bell, Mary Helen	10/31/96
Stewart, Ventria (Peggy) Eloise	05/31/97	King, Linda Braddock	10/31/96
Board of Trustees of Lake City Community College		Education Standards Commission	
Appointees: Harvey, Alan	05/31/97	Appointees: Denmark, Linda Carol	09/30/94
Jones, Skipper Kendrick	05/31/97	Fedrick, Doretha Bivins	09/30/94
Tunsil, Joyce Parnell	05/31/97	Frye, James Edwin	09/30/95
Board of Trustees of Lake-Sumter Community College		Goldman, Richard M.	09/30/95
Appointees: Hutchinson, Bettie Lawhorn	05/31/97	McBride, Rebecca Rigby	09/30/95
Jones, Helen L.	05/31/97	Parten, Harold G.	09/30/95
Sebree, Evelyn A.	05/31/97	Florida Elections Commission	
Board of Trustees of Manatee Community College		Appointee: Alvarez, Carlos	12/10/93
Appointees: Moore, Robert Leslie	05/31/97	Board of Funeral and Cemetery Services	
Smith, Jan Ellis	05/31/97	Appointees: Atwood, James W.	09/08/97
Board of Trustees of Miami-Dade Community College		Crofut, Elizabeth (Tomi)	09/08/97
Appointees: Ibarra, Barbara A.	05/31/97	Freixas, Rita E.	09/08/97
Mendoza, Cristina Lagueruela	05/31/97	Neel, Jordan Asher	09/08/97
Richardson, Walter Thomas	05/31/97	Quattlebaum, G. Earl	09/08/97
Board of Trustees of North Florida Junior College		Board of Funeral Directors and Embalmers	
Appointees: Bullard, Amanda Allen	05/31/97	Appointees: Helms-Price, Cynthia	10/31/96
Twiggs, Alma Keys	05/31/97	Ralph, Judith C. Johnson	10/31/95
Board of Trustees of Okaloosa-Walton Community College		Health Care Board	
Appointees: Merrifield, Sally Russell	05/31/97	Appointee: Drummer, Preston	09/30/96
Roser, Elena M.	05/31/97	Board of Trustees of South Lake County Hospital District	
Board of Trustees of Palm Beach Community College		Appointee: Wickham, Donald Cecil	07/05/97
Appointees: Hand, Homer James	05/31/97	Florida Housing Finance Agency	
Howard, Minnie Conner	05/31/97	Appointee: Simmons, Lorenzo	11/13/96
Board of Trustees of Pasco-Hernando Community College		Florida Commission on Human Relations	
Appointees: McGeehan, Hugh Connell	05/31/97	Appointee: Jenkins, Whitfield	09/30/96
Tillis, Arlen E.	05/31/97	State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools	
Board of Trustees of Pensacola Junior College		Appointee: Peoples, David L.	07/01/95
Appointees: Appleyard, Diane Paige	05/31/94	Florida International Affairs Commission	
Northcutt, Felicia Fortune	05/31/97	Appointee: Bolas, Joan W.	07/09/96
Board of Trustees of St. Johns River Community College		Board of Professional Land Surveyors	
Appointees: Upchurch, Hamilton Davis	05/31/97	Appointee: Antrim-Berger, Beth E.	12/06/94
Wolfenden, John Wills	05/31/97	Marine Fisheries Commission	
Board of Trustees of St. Petersburg Junior College		Appointees: Barsh, Barbara Crampton	08/01/97
Appointees: Hines, Ann Groover	05/31/97	Kidd, Charles C.	08/01/97
Young, Robert Columbus	05/31/94	Board of Massage	
Board of Trustees of Santa Fe Community College		Appointees: Driscoll, Jeanette Marie Chlebowsky	10/31/95
Appointees: Hatcher, Harry Milton, Jr.	05/31/94	Rosello, Gloria	01/01/96
Hill-Lubin, Mildred Anderson	05/31/97	Board of Medicine	
Miller, John Milburn	05/31/97	Appointees: El-Bahri, Georges A.	10/31/96
Board of Trustees of Seminole Community College		Murray, Louis Charles	10/31/96
Appointee: Herring, Patricia Hurlbert	05/31/97	Scoon, Cecile M.	10/31/96
Board of Trustees of Tallahassee Community College		Varn, Herbert Fred	10/31/96
Appointees: Edwards, Otho Winton III	05/31/97		
Miller, Dolores S.	05/31/97		

Office and Appointment		For Term Ending	Office and Appointment		For Term Ending
Board of Nursing	Woods, Abraham Lincoln III	10/31/96		Durkin, Barbara Clegg	10/01/95
				Gonzales, Jack A.	10/01/95
	Appointees: Davis, Winnie Jones	08/01/95		Gougelman, Paul Reina III	10/01/95
	Edwards, Willie	10/31/96		Mills, Glennie Stallworth	10/01/94
	Streisand, Max M.	08/01/94		Poe, Bob	10/01/95
				Roberts, Robi Kelley	10/01/93
Board of Opticianry			Tampa Bay Regional Planning Council, Region 8		
Appointee: Gyorkos, Richard R.	12/26/94		Appointees: Bradley, Terrye Singletary	10/01/95	
Parole Commission			Brown, Gwendolyn Y.	10/01/95	
Appointees: Hodges, Eugene Randolph	10/31/98		Davis, Albert	10/01/95	
Wolson, Judith A.	07/01/99		Peck, Rosalie	10/01/95	
			Saunders, Robert William, Sr.	10/01/95	
Board of Physical Therapy Practice			Southwest Florida Regional Planning Council, Region 9		
Appointees: Candela, Antoinette Carlotti	10/31/97		Appointees: Duane, Robert Livingston	10/01/95	
Hughes, Paul D.	10/31/94		Goodnight, Patricia Anne	10/01/95	
Lindeblad, Susan Kenville	10/31/96		Outlaw, Lavern Harrison, Jr.	10/01/95	
Board of Pilot Commissioners			Shore, Nancy	10/01/94	
Appointees: Fuller, James Walden	06/30/96		Snipes, Carl B.	10/01/95	
Hayes, Karen Ann	10/31/97				
Board of Podiatric Medicine			Treasure Coast Regional Planning Council, Region 10		
Appointees: Bland, Anthony Carl	10/31/96		Appointees: Baird, Thomas Jay	10/01/95	
Francis, William Wastell	10/31/95		Love, Joseph Brown, Jr.	10/01/95	
Simmonds, Warren L.	10/31/96		Spyke, Peter David	10/01/95	
			Board of Trustees of the John and Mable Ringling Museum of Art		
Jacksonville Port Authority			Appointees: Carr, Robert James	11/05/96	
Appointee: Shorstein, Jack Franklin	09/30/96		Dye, Dewey A., Jr.	11/05/96	
Historic Pensacola Preservation Board of Trustees			Hooks, Homer	07/05/97	
Appointees: Bowden, Jesse Earle	06/30/97		Hussey, Elizabeth Hatton	11/05/97	
Rentz, Lucy Hart	06/30/97		Taylor, James A.	11/05/96	
Historic St. Augustine Preservation Board of Trustees			Board of Supervisors, Spaceport Florida Authority		
Appointees: Riggan, Betty Miner	06/30/97		Appointees: Brown, Hugh McNeil	06/30/97	
Rose, William N.	06/30/97		Fisher, Donna Cowart	06/30/97	
Sikes, Nancy Rhea	06/30/97				
Historic Tampa-Hillsborough County Preservation Board of Trustees			Florida Commission on Tourism		
Appointees: Bender, Shelby Jean Roberson	06/30/97		Appointees: Hach, John Randall	06/30/94	
Venable, Glenda Piniella	06/30/97		Sims, Bill J.	06/30/94	
Board of Directors, Prison Rehabilitative Industries and Diversified Enterprises, Inc.			Florida Transportation Commission		
Appointees: May, Randall Lee	09/30/96		Appointees: Browning, John P., Jr.	09/30/97	
Ogilvie, Charles H., Jr.	09/30/97		Kennedy, Arthur Winfred	09/30/97	
Perez, Jorge M.	09/30/96		Chairman of Unemployment Appeals Commission		
			Appointee: Dyal, Reuben Carson	06/30/97	
Board of Psychological Examiners			Florida Commission on Veterans' Affairs		
Appointees: Gibbs, Charles C.	10/31/96		Appointee: Cobb, Fred Andrew M.	11/16/96	
Rivas-Vazquez, Ana Albarran	10/31/96				
Florida Real Estate Appraisal Board			Board of Veterinary Medicine		
Appointee: Wells, Carl Douglas	05/20/94		Appointees: Lewis, Cynthia N.	10/31/96	
			Lightfoot, Teresa Lane	08/01/94	
Florida Real Estate Commission			O'Neil, Robert Eugene	10/31/96	
Appointee: Fish, Irene Geddie	10/31/97		Pereira, Carlos R.	10/31/95	
Apalachee Regional Planning Council, Region 2			Governing Board of the Northwest Florida Water Management District		
Appointees: Jones, Oliver, Jr.	10/01/95		Appointees: deLorge, John Oldham	03/01/97	
Philpot, Daisy B. Wesley	10/01/94		Middlemas, John Robert, Jr.	03/01/97	
Rosasco, Peter Louis	10/01/95		Roberts, Charles W.	03/01/97	
			Wright, Roger Hornsby	03/01/97	
North Central Florida Regional Planning Council, Region 3			Governing Board of the St. Johns River Water Management District		
Appointees: Sawyer, David Thomas	10/01/95		Appointees: Hughes, Reid B.	03/01/97	
Walker, Jane B.	10/01/95		Segal, William Martin	03/01/97	
Northeast Florida Regional Planning Council, Region 4			Governing Board of the South Florida Water Management District		
Appointees: Gay, Eleanor Jackson	10/01/95		Appointees: Boyd, Valerie	03/01/97	
Waldron, Harry H.	10/01/95		Hammond, William Frank	03/01/95	
Withlacoochee Regional Planning Council, Region 5			Krant, Elizabeth (Betsy) Howard	03/01/97	
Appointee: Bronson, Thomas Edward	10/01/95		Reed, Nathaniel Pryor	03/01/97	
East Central Florida Regional Planning Council, Region 6			Big Cypress Basin Board of the South Florida Water Management District		
Appointees:					
Augustine, Edward L.	10/01/95				
Barice, Carole Joy	10/01/95				
Carter, Vera M.	10/01/95				

*Office and Appointment**For Term
Ending*

Appointee: Garland, Carey	03/01/95
Governing Board of the Southwest Florida Water Management District	
Appointees: Cox, James L.	03/01/97
Hamner, John Thomas	03/01/97
Thompson, Sarah Ann (Sally)	03/01/97
Alafia River Basin Board of the Southwest Florida Water Management District	
Appointees: McNair, Theodore	03/01/96
Rutenberg, Daniel	03/01/94
Coastal Rivers Basin Board of the Southwest Florida Water Management District	
Appointee: Buckner, Robert Alfred	03/01/96
Hillsborough River Basin Board of the Southwest Florida Water Management District	
Appointee: Ross, Merilee O'Berry	03/01/94
Northwest Hillsborough County Basin Board of the Southwest Florida Water Management District	
Appointees: Allen, Lola Foster	03/01/96
Tillotson, Gwendolyn Sue	03/01/96
Peace River Basin Board of the Southwest Florida Water Management District	
Appointees: Davis, William Keith	03/01/96
Furland, Nancy Newton	03/01/95
Pinellas-Anclote River Basin Board of the Southwest Florida Water Management District	
Appointees: Campbell, James Fred, Jr.	03/01/95
Mitchell, David Dewey	03/01/96
Withlacoochee River Basin Board of the Southwest Florida Water Management District	
Appointees: Dixon, Eleanor Patricia	03/01/95
Haile, Julia Hackley	03/01/96
Lee, Andrew Wayne	03/01/96
Governing Board of the Suwannee River Water Management District	
Appointees: Carver, John D., Jr.	03/01/97
Colson, Suzanne Kuszyna	03/01/97
Howell, Maceo, Jr.	03/01/97
Waring, Malachi Howell	03/01/97

As required by Rule 12.7(a), the committee caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointees for appointment to the offices indicated. In aid of such inquiry the committee held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of each appointee.

After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the committee respectfully advises and recommends that:

- (1) the executive appointments of the above-named appointees, to the office and for the term indicated, be *confirmed* by the Senate.
- (2) Senate action on said appointments be taken prior to the adjournment of the 1994 Regular Session.
- (3) there is no necessity known to the committee for the deliberations on said appointments to be held in executive session.

Respectfully submitted,
William H. Turner, Chairman

On motion by Senator Turner, the report was adopted and the Senate confirmed the appointments identified in the foregoing report of the committee to the offices and for the terms indicated, in accordance with the recommendations of the committee. The vote was:

Yeas—40 Nays—None

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 15, CS for HB 137, CS for HB 239, HB 319, CS for HB 387, HB 441, HB 597, HB 837, HB 1529, HB 1549, HB 1637, HB 2229, HB 2281, HB 2283, HB 2333, HB 2353, HB 2357, HB 2361, HB 2371, HB 2407; has passed as amended HB 21, CS for HB 543, HB 835, HB 2221, HB 2223, HB 2255 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Health Care and Representative Mishkin and others—

CS for HB 15—A bill to be entitled An act relating to pharmaceuticals; creating a study commission for the purpose of studying the variations in the cost of prescription drugs; providing for membership; providing for organization and administration; requiring meetings and public hearings; providing for expert testimony; requiring a report; providing an effective date.

—was referred to the Committees on Health Care; Commerce; and Rules and Calendar.

By the Committee on Health Care and Representative Brennan and others—

CS for HB 137—A bill to be entitled An act relating to advance directives for health care; amending s. 744.3115, F.S.; providing for court orders to modify or revoke certain authority of a surrogate; amending s. 744.345, F.S.; revising authority of guardians; amending s. 765.101, F.S.; revising definitions; amending s. 765.105, F.S.; providing additional grounds for review of a surrogate or proxy's decision; amending s. 765.106, F.S.; expanding preservation of rights; amending ss. 765.110 and 765.113, F.S.; correcting references; amending s. 765.202, F.S.; modifying procedure for designating a health care surrogate and condition for seeking appointment of a proxy; amending s. 765.205, F.S., relating to respective responsibilities of surrogate and guardian, amending s. 765.304, F.S.; authorizing the attending physician to proceed according to a living will when a surrogate has not been designated; providing procedures with regard to disputed decisions to withhold or withdraw life-prolonging procedures; amending s. 765.308, F.S.; providing procedure when a health care facility refuses to comply with the patient's wishes; amending s. 765.401, F.S.; providing that designation of a proxy does not preempt certain statutory designations relating to consent to medical treatment of minors; repealing s. 744.3215(4)(f), F.S., relating to rights of persons determined incapacitated; repealing s. 765.111, F.S., relating to effect of state and federal constitutions; repealing s. 765.306(2), F.S., relating to a rebuttable presumption in determination of a patient's condition; repealing s. 765.307, F.S., relating to do-not-resuscitate orders; providing an effective date.

—was referred to the Committees on Health Care and Judiciary.

By the Committee on Judiciary and Representative Glickman and others—

CS for HB 239—A bill to be entitled An act relating to jury selection in criminal cases; amending s. 910.03, F.S.; authorizing a court under specified circumstances to select a jury from a county other than where the offense was committed; providing guidelines for selection of the alternative county; amending s. 26.021, F.S., relating to judicial circuits, to provide conforming language; authorizing the expansion of circuit court jurisdiction in cases of jury selection in an alternative county; providing applicability to pending cases; providing an effective date.

—was referred to the Committees on Criminal Justice and Judiciary.

By the Committee on Governmental Operations and Representative Boyd—

HB 319—A bill to be entitled An act relating to the confidentiality of Florida Patient's Compensation Fund claim files; amending s. 766.105, F.S., which provides an exemption from public records requirements for information contained in claim files in the possession of the fund, fund members, and insurers during processing of the claim; revising the exemption and saving it from repeal; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was referred to the Committee on Commerce.

By the Committee on Higher Education and Representative Chestnut and others—

CS for HB 387—A bill to be entitled An act relating to community colleges; amending s. 240.311, F.S.; revising provisions relating to establishment of an information system by the State Board of Community Colleges; requiring the development of a systemwide master plan; requiring training programs for new appointees to district boards of trustees; amending s. 240.313, F.S.; authorizing rules relating to the number and length of term of trustees to serve on district boards of trustees; providing for a student member on each district board of trustees; requiring participation in training programs; amending s. 240.324, F.S.; revising community college planning and reporting relating to the accountability process; providing for an accountability and reform committee and specifying duties thereof; requiring database capacity to maintain an automated student records system; amending s. 240.325, F.S.; providing for guidelines for an automated student records system; amending s. 240.331, F.S.; conforming provisions; amending s. 240.347, F.S.; revising provisions relating to the State Community College Program Fund; providing community college program requirements; amending s. 240.359, F.S.; providing for community college budgets and budget categories; repealing s. 240.349, F.S., relating to requirements for participation in the Community College Program Fund; repealing s. 240.361, F.S., relating to community college budgets; providing effective dates.

—was referred to the Committees on Education and Appropriations.

By Representative Jones—

HB 441—A bill to be entitled An act relating to fictitious names; amending s. 865.09, F.S.; prohibiting fictitious names from containing certain words or abbreviations; providing a penalty; providing an effective date.

—was referred to the Committee on Commerce.

By Representative Geller—

HB 597—A bill to be entitled An act relating to public adjusters; amending s. 626.854, F.S.; limiting authority of public adjusters who are acting on behalf of or aiding an insured in negotiating or settling certain claims; providing an exception; providing an effective date.

—was referred to the Committees on Commerce and Professional Regulation.

By the Committee on Agency Rules, Select and Representative Mackey—

HB 837—A bill to be entitled An act relating to the Administrative Procedure Act; amending ss. 120.53 and 120.533, F.S.; providing reference to final agency orders with respect to the requirement that agencies make available such rules for public inspection and copying at no more than cost; providing for the indexing and availability of final agency orders by the Department of State; amending s. 120.54, F.S.; providing for a rule summary prior to adoption, amendment, or repeal of a rule; revising language with respect to model rules; amending s. 120.68, F.S.; providing for consolidated review proceedings with respect to judicial review; providing an additional ground for a petition challenging an agency rule as an invalid exercise of delegated legislative authority; providing an effective date.

—was referred to the Committee on Governmental Operations.

By Representative Rudd and others—

HB 1529—A bill to be entitled An act relating to vocational rehabilitation; amending s. 413.615, F.S.; providing for annual transmittal of a portion of the principal of the Florida Endowment for Vocational Rehabilitation to the Florida Endowment Foundation for Vocational Rehabilitation; deleting obsolete language; revising the date of annual report; providing an effective date.

—was referred to the Committees on Commerce and Appropriations.

By Representative Greene and others—

HB 1549—A bill to be entitled An act relating to worker safety with respect to agricultural pesticides; designating ss. 487.011-487.175, F.S., as Part I of chapter 487, F.S., entitled "Pesticides"; amending ss. 487.011, 487.012, 487.021, 487.025, 487.031, 487.041, 487.043, 487.045, 487.046, 487.047, 487.049, 487.051, 487.061, 487.071, 487.081, 487.091, 487.101, 487.111, 487.13, 487.156, 487.159, 487.161, 487.163, 487.171, and 487.175, F.S.; changing terms in the chapter to "part" to conform to the act; creating s. 487.201, F.S.; creating the "Florida Agricultural Worker Safety Act"; creating s. 487.202, F.S.; providing legislative intent; creating s. 487.203, F.S.; providing definitions; creating s. 487.204, F.S.; providing for the enforcement of federal worker protection regulations; creating s. 487.205, F.S.; providing for the availability of agricultural pesticide information to workers, designated representatives, and physicians; creating s. 487.206, F.S.; providing for prohibited acts; creating s. 487.207, F.S.; providing penalties; providing for relief against retaliation; providing for monitoring of complaints of retaliation; amending s. 448.103, F.S.; expanding general labor regulations provisions relating to employees' rights of recovery in specified actions to include rights protected under the Florida Agricultural Worker Safety Act; providing for future repeal; providing an effective date.

—was referred to the Committees on Agriculture, Judiciary and Appropriations.

By Representative Tedder—

HB 1637—A bill to be entitled An act relating to worthless checks; amending s. 832.07, F.S.; revising and clarifying provisions relating to the circumstances in which a check constitutes prima facie evidence of the identity of the person who issued the check; authorizing driver's license numbers or state identification numbers to be used to establish prima facie evidence; providing an effective date.

—was referred to the Committee on Criminal Justice.

By the Committee on Higher Education and Representative Peebles—

HB 2229—A bill to be entitled An act relating to the college reach-out program; amending s. 240.61, F.S.; prescribing student eligibility criteria; providing for definitions; revising requirements for proposal preference; requiring proposals to contain an evaluation component; specifying data required to evaluate program effectiveness; prescribing a funding methodology; providing for a college reach-out advisory council and specifying terms; revising reporting requirements; requiring the Postsecondary Education Planning Commission to report on program effectiveness; providing for allocation of funds; saving s. 240.61, F.S., from repeal; providing for future review and repeal; repealing s. 240.62, F.S., which requires an annual report on the cohort of college reach-out participants; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By the Committee on Employee and Management Relations; and Representative Davis and others—

HB 2281—A bill to be entitled An act relating to public employees; amending s. 447.203, F.S.; redefining the term "public employee" to exclude certain persons who by virtue of their positions of employment are regulated by the Florida Supreme Court; providing an effective date.

—was referred to the Committee on Personnel, Retirement and Collective Bargaining.

By the Committee on Employee and Management Relations; and Representative Davis and others—

HB 2283—A bill to be entitled An act relating to confidentiality of information under the Whistle-blower's Act; amending s. 112.3188, F.S.; providing an exemption from public records requirements for the identity of individuals who disclose certain information to a local chief executive officer or other appropriate local official, and for information received by such officer or official, or derived from investigations, under the act; providing conditions for disclosure; providing a penalty; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was referred to the Committees on Personnel, Retirement and Collective Bargaining; Community Affairs; and Judiciary.

By the Committee on Agriculture and Consumer Services; and Representative Harris—

HB 2333—A bill to be entitled An act relating to farm labor contractors; amending s. 450.30, F.S.; extending the time for renewal of a certificate of registration; amending s. 450.31, F.S.; providing manner of payment of fees; revising requirements for issuance of a certificate of registration; amending s. 450.33, F.S.; modifying the duties of farm labor contractors; amending s. 450.38, F.S.; providing manner of payment of fines; providing powers relating to investigations or proceedings; providing an effective date.

—was referred to the Committees on Agriculture, Commerce and Appropriations.

By the Committee on Education and Representative Chestnut and others—

HB 2353—A bill to be entitled An act relating to developmental research schools; amending s. 228.053, F.S.; providing requirements relating to implementation of "Blueprint 2000" provisions; revising provisions relating to funding; providing for exceptions to law and requirements related thereto; amending s. 228.054, F.S.; providing duties of the Joint Developmental Research School Planning, Articulation, and Evaluation Committee relating to review of rules and waiver of law; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By the Committee on Education and Representative Chestnut and others—

HB 2357—A bill to be entitled An act relating to the education of exceptional students; amending ss. 228.041, 230.2303, 230.2305, 232.01, 233.056, 236.0835, 236.145, 242.332, F.S.; amending terminology used in the Florida School Code, by changing the term "handicapped" student or children to students or children "with disabilities," by changing the term "hearing-impaired" to "deaf or hard-of-hearing," and by including in the definition of the term "exceptional student" children of a specified age who have established conditions; amending s. 230.23, F.S.; amending the frequency with which the school boards must submit their proposed procedures to the Department of Education; deleting the provision that requires the department to operate the Marianna Sunland Center in Jackson County; amending s. 240.405, F.S.; amending the description of eligibility requirements for certain teachers to receive grants for special training in the education of exceptional students; repealing s. 232.145, F.S., relating to requiring school districts to report about exceptional students to various state agencies; providing an effective date.

—was referred to the Committees on Education and Appropriations.

By the Committee on Education and Representative Clemons and others—

HB 2361—A bill to be entitled An act relating to education; amending s. 229.591, F.S., relating to the school improvement and education accountability system; creating a state education goal for parental involvement; providing an effective date.

—was referred to the Committee on Education.

By the Committee on Natural Resources and Representative Rudd and others—

HB 2371—A bill to be entitled An act relating to the Marine Fisheries Commission; repealing s. 18, ch. 93-213, Laws of Florida; abrogating the repeal of ss. 370.025-370.029, F.S.; providing for future repeal of said sections; providing for legislative review; providing an effective date.

—was referred to the Committee on Natural Resources and Conservation.

By the Committee on Natural Resources and Representative Rudd and others—

HB 2407—A bill to be entitled An act relating to the merger of the Departments of Environmental Regulation and Natural Resources into the Department of Environmental Protection; amending ss. 125.563, 159.705, 161.021, 161.031, 161.041, 161.042, 161.052, 161.053, 161.061, 161.071, 161.082, 161.101, 161.111, 161.141, 161.161, 161.33, 161.35, 161.36, 161.54, 163.3184, 177.27, 177.29, 177.502, 177.503, 186.021, 186.504, 186.801, 193.015, 193.501, 193.621, 201.022, 201.15, 206.9935, 211.31, 211.32, 212.055, 212.08, 212.69, 213.053, 215.3208, 216.0165, 220.184, 229.8064, 240.155, 240.5161, 240.5325, 240.5326, 252.87, 253.02, 253.023, 253.025, 253.03, 253.0325, 253.037, 253.04, 253.05, 253.12, 253.1241, 253.126, 253.45, 253.67, 253.74, 253.75, 253.77, 253.781, 253.782, 253.7821, 253.7823, 253.7825, 253.7826, 253.7829, 253.783, 253.784, 255.259, 255.565, 258.004, 258.015, 258.024, 258.09, 258.10, 258.15, 258.155, 258.397, 258.42, 258.43, 258.501, 259.035, 259.045, 259.101, 260.012, 260.013, 260.0161, 267.061, 270.22, 272.18, 282.1095, 282.402, 287.045, 287.0595, 288.021, 288.063, 288.1185, 288.811, 298.07, 298.11, 298.12, 298.15, 298.16, 298.22, 298.26, 298.33, 298.34, 298.467, 298.55, F.S.; conforming provisions to the transfer of the duties and responsibilities of the Department of Natural Resources and the Department of Environmental Regulation to the Department of Environmental Protection; conforming provisions to reflect the authority of the Secretary of Environmental Protection to take certain actions that were within the purview of the Governor and Cabinet as head of the former Department of Natural Resources or that were the responsibility of the executive director; conforming provisions to changes made by the act; amending ss. 298.70, 298.71, 298.72, 298.73, F.S.; conforming to the transfer of duties and responsibilities from the Department of Natural Resources to the Department of Environmental Protection provisions relating to the authority to borrow money and issue notes; amending ss. 309.01, 316.272, 316.293, 316.2935, 316.640, 320.03, 320.08065, 320.08066, 325.202, 325.203, 325.206, 325.207, 325.209, 325.212, 325.213, 325.217, 325.218, 325.223, F.S.; conforming provisions to the transfer of the duties and responsibilities of the Department of Natural Resources and the Department of Environmental Regulation to the Department of Environmental Protection; amending ss. 327.02, 327.03, 327.04, 327.12, 327.26, 327.28, 327.41, 328.01, 328.15, 328.20, F.S.; conforming provisions transferring to the Department of Environmental Protection from the Department of Natural Resources duties and responsibilities relating to vessel registration and titling laws; amending ss. 334.065, 335.065, 337.108, 337.242, 337.27, 338.221, 338.223, 338.250, 341.3332, 341.336, 341.342, 341.343, 341.348, 341.352, 341.405, 341.407, 341.408, 348.0008, 348.759, 348.957, 366.825, 367.031, 367.081, 367.111, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Natural Resources and the Department of Environmental Regulation to the Department of Environmental Protection; amending ss. 369.105, 369.20, 369.22, 369.25, 369.251, 369.307, 370.01, 370.013, 370.015, 370.02, 370.0205, 370.021, 370.023, 370.025, 370.026, 370.027, 370.03, 370.031, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Natural Resources to the Department of Environmental Protection; amending ss. 370.032, 370.033, 370.034, 370.037, 370.038, 370.06, 370.0605, 370.0607, 370.0608, 370.0609, 370.0615, 370.062, 370.063, 370.07, 370.071, 370.08, 370.081, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Natural Resources to the Department of Environmental Protection; repealing s. 370.082, F.S., relating to the regulation of the use of gill nets, wing nets, and similar devices; deleting obsolete provisions; amending ss. 370.0821, 370.103, 370.11, 370.1107, 370.12, 370.13, 370.14, 370.142, 370.143, 370.153, 370.1535, 370.157, 370.16, 370.1603, 370.172, 370.18, 370.19, 370.20, 370.21, 370.25, 372.071, 372.072, 372.0725, 372.57, 372.701, 372.7701, 372.771, 372.992, 373.016, 373.019, 373.026, 373.046, 373.079, 373.086, 373.171, 373.196, 373.1962, 373.1965, 373.197, 374.977, F.S.; conforming

provisions to the transfer of duties and responsibilities of the Department of Natural Resources to the Department of Environmental Protection; amending ss. 373.203, 373.206, 373.207, 373.209, 373.217, 373.2295, 373.303, 373.406, 373.423, 373.439, 373.453, 373.455, 373.4592, 373.4595, 373.498, 373.536, 373.59, 373.603, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Environmental Regulation to the Department of Environmental Protection; repealing ss. 374.001, 374.3001, F.S., relating to transfer of the canal authority and assets of the Cross Florida Canal Navigation District to the Department of Natural Resources; amending ss. 375.021, 375.031, 375.041, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Natural Resources to the Department of Environmental Protection; amending ss. 375.045, 375.065, 375.075, 376.021, 376.031, 376.051, 376.0705, 376.10, 376.12, 376.121, 376.163, 376.30, 376.301, 376.303, 376.304, 376.307, 376.3071, 376.3072, 376.3077, 376.321, 376.40, 376.60, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Natural Resources to the Department of Environmental Protection; amending ss. 377.07, 377.075, 377.19, 377.22, 377.2408, 377.2425, 377.28, 377.703, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Natural Resources to the Department of Environmental Protection; amending ss. 378.032, 378.033, 378.034, 378.036, 378.203, 378.205, 378.206, 378.208, 378.212, 378.403, 378.404, 378.405, 378.406, 378.407, 378.408, 378.409, 378.411, 378.501, 378.502, 378.503, 378.601, 378.701, 378.703, 378.801, 378.803, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Natural Resources to the Department of Environmental Protection; conforming provisions to reflect the authority of the Secretary of Environmental Protection to take certain actions that were within the purview of the Governor and Cabinet as head of the former Department of Natural Resources or that were the responsibility of the executive director of the former Department of Natural Resources; amending ss. 380.05, 380.051, 380.055, 380.0555, 380.0558, 380.06, 380.061, 380.0651, 380.0685, 380.33, 380.504, 381.006, 381.0065, 381.0098, 388.45, 403.031, 403.061, 403.0615, 403.0625, 403.081, 403.085, 403.086, 403.0871, 403.0873, 403.0876, 403.088, 403.0885, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Environmental Regulation to the Department of Environmental Protection; repealing s. 403.0891(4), F.S., relating to an inventory of stormwater management systems by the Department of Transportation; deleting obsolete provisions; amending ss. 403.092, 403.135, 403.141, 403.182, 403.1822, 403.1823, 403.1834, 403.1835, 403.1838, 403.281, 403.413, 403.4131, 403.4135, 403.415, 403.4154, 403.503, 403.504, 403.507, 403.508, 403.518, 403.522, 403.523, 403.526, 403.527, 403.5271, 403.5365, 403.703, 403.705, 403.7061, 403.707, 403.708, 403.7084, 403.709, 403.714, 403.716, 403.717, 403.7186, 403.7195, 403.7197, 403.7199, 403.722, 403.7222, 403.7226, 403.725, 403.7255, 403.7264, 403.727, 403.74, 403.75, 403.7721, 403.783, 403.7841, 403.786, 403.787, 403.803, 403.8051, 403.8163, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Environmental Regulation to the Department of Environmental Protection; deleting obsolete provisions; amending ss. 403.851, 403.852, 403.862, 403.8635, 403.9311, 403.935, 403.9403, 403.9404, 403.941, 403.9411, 403.9412, 403.951, 403.952, 403.955, 403.957, 403.958, 403.959, 403.961, 403.962, 403.963, 403.964, 403.966, 403.967, 403.968, 403.969, 403.971, 403.972, 404.031, 404.0614, F.S., conforming provisions to the transfer of duties and responsibilities of the Department of Environmental Regulation to the Department of Environmental Protection; amending ss. 418.12, 420.608, 470.025, 489.133, 492.103, 501.122, 526.01, 553.79, 570.07, 581.083, 581.145, 581.186, 589.26, 597.003, 597.006, 617.0122, 705.101, 705.103, 784.07, 823.11, 832.06, 843.08, 860.20, 870.04, 895.09, 932.7055, 943.1728, F.S.; conforming provisions to the transfer of duties and responsibilities of the Department of Natural Resources and the Department of Environmental Regulation to the Department of Environmental Protection; providing effective dates.

—was referred to the Committees on Natural Resources and Conservation; and Appropriations.

By Representative Gay and others—

HB 21—A bill to be entitled An act relating to sexual battery prosecutions; amending s. 794.022, F.S.; providing evidentiary considerations relating to use of a prophylactic device; providing an effective date.

—was referred to the Committee on Criminal Justice.

By the Committee on Commerce and Representative McClure and others—

CS for HB 543—A bill to be entitled An act relating to the disposition of unclaimed property; amending s. 717.114, F.S.; providing for limits on gift certificates presumed abandoned; amending s. 717.135, F.S.; providing for a required notice with respect to certain agreements entered into to pay compensation to recover abandoned property; amending chapter 93-280, Laws of Florida; extending unclaimed property amnesty program; providing an effective date.

—was referred to the Committees on Judiciary; and Finance, Taxation and Claims.

By the Committee on Agency Rules, Select and Representative Mackey—

HB 835—A bill to be entitled An act relating to the Administrative Procedure Act; amending s. 120.54, F.S.; revising timeframes with respect to the rulemaking adoption procedure; providing that an agency's determination regarding preparation of certain economic impact statements shall be subject to challenge; revising procedures; providing an effective date.

—was referred to the Committees on Governmental Operations; and Rules and Calendar.

By the Committee on Appropriations and Representative Long—

HB 2221—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1994, and ending June 30, 1995, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

(Substituted for **SB 2800** this day.)

By the Committee on Appropriations and Representative Long—

HB 2223—A bill to be entitled An act relating to implementing the fiscal year 1994-1995 General Appropriations Act; providing legislative intent; authorizing the Department of Health and Rehabilitative Services to use general revenue funds to extend AFDC and Medicaid benefits to certain asylum applicants; requiring quarterly reports by the Department of Health and Rehabilitative Services on specified pending class-action litigation; prescribing the method by which the Department of Health and Rehabilitative Services shall make allocations to service districts; authorizing the Department of Health and Rehabilitative Services and the Agency for Health Care Administration to transfer general revenue funds as necessary to comply with any proviso language or provision of law requiring or specifically authorizing the transfer of general revenue funds between the two agencies; providing for use of juvenile justice appropriations as startup funding for juvenile justice facility or program purposes; transferring responsibility for the state pharmaceutical contract from the Department of Management Services to the Department of Health and Rehabilitative Services; transferring a specified amount of certain funds received by the Agency for Health Care Administration to the Department of Health and Rehabilitative Services for fixed capital outlay appropriations; requiring implementation of a Medicaid Pharmacy Services Prior Authorization Program to generate savings to specified funds; providing for security at meetings of the Parole Commission; exempting the Department of Corrections from certain provisions relating to pharmacies; providing for a pilot cluster pharmacy program; providing for housing specified felony offenders in county correctional facilities; authorizing the Division of Bond Finance of the State Board of Administration to refinance certain bonds; prescribing duties of state agencies covered by the state risk management program with respect to funding costs for employees entitled to workers' compensation benefits; providing for indemnification of the Florida Casualty Insurance Risk Management Trust Fund; authorizing the Department of State to use specified funds to operate and maintain information systems and equipment for public records access; authorizing the transfer of up to a specified amount of certain funds from the sale of management area stamps to the State Game Trust Fund for vehicle replacement; authorizing use

of the Florida International Trade and Promotion Trust Fund to fund the Division of International Trade and Development of the Department of Commerce; authorizing use of the Tourism Promotional Trust Fund to fund international trade grants and international linkage institutes; authorizing use of the Cultural Institutions Trust Fund to fund matching endowments under the Fine Arts Endowment Program and the state touring program, subject to legislative appropriation; providing guidelines for determining compliance with expenditures reductions relating to creation of the Department of Management Services; providing that certain funds for contract auditing by the Division of Audits of the Department of Revenue shall not revert; providing that certain funds appropriated for the System for Unified Taxation (SUNTAX) shall not revert; transferring the balance of the Quincentennial Trust Fund to the Historic Preservation Trust Fund; authorizing the Auditor General to resume routine financial and operational audits of the Florida Public Service Commission; prohibiting the Department of Environmental Protection from seeking certain reimbursement to the Water Quality Assurance Trust Fund; providing appropriations to the Division of Cultural Affairs in the Department of State from the Cultural Institutions Trust Fund for grants to local art agencies, state service organizations, and arts in education; providing appropriations to the Division of Cultural Affairs in the Department of State from the Cultural Institutions Trust Fund; providing for calculation of the statewide adjusted aggregate required local effort for all school districts from ad valorem taxes, under authority of the Commissioner of Education; providing for adjustment of the required local effort millage rate of certain districts; providing for calculation of the maximum total weighted full-time equivalent student enrollment of each school district; providing for the implementation of ch. 90-49, Laws of Florida, relating to laboratory schools; requiring the State University System to develop a personnel system to meet certain payroll and informational system requirements; prescribing limits on increases in financial assistance payments for private tuition assistance; providing authority for state universities to match funds in the Trust Fund for Eminent Scholars or the Trust Fund for Major Gifts; prescribing the fee for certification and certification renewal for certain educational personnel; exempting certain contracts for developmental research schools from restrictions on the amount of overhead that may be allowed in a contract; providing that a specified amount of funds specifically appropriated shall be used to implement provisions relating to minority law students; transferring the Division of Blind Services of the Department of Education to the Department of Labor and Employment Security, except for the library for the blind located in Daytona Beach which is transferred to the Department of State; requiring the Department of Labor and Employment Security to review the operations and services of the blind and develop a policy for contracting those services to certain private not-for-profit community-based organizations and requiring the department to submit a report to the Governor and legislative leaders; requiring the development of a reviser's bill to conform statutes to reflect such transfers; authorizing the Department of Education to contract for the 1994 cost-of-living market basket survey; requiring fifty percent of the Challenger License Plate fee to be deposited in the Center for Space Education Trust Fund; specifying the use of such funds, including administrative costs; providing an appropriation; prohibiting the Commissioner of Education from accepting in fiscal year 1994-1995 certain applications and requests for funds for community educational facilities in order to focus the use of PECO funds on the provision of direct instruction facilities; providing that certain funds appropriated to the Holmes County and Nassau County School Boards shall not be counted toward the total state effort required; authorizing the Executive Office of the Governor and the Chief Justice of the Supreme Court to approve certain budget changes under certain circumstances and requiring the Executive Office of the Governor and the Chief Justice to maintain an accounting of these changes and to provide this accounting to the legislative appropriations committees upon request; prescribing duties of parties to a collective bargaining agreement in financial emergencies; requiring the Information Resource Commission to examine and develop recommendations to the Governor and legislative leaders for the streamlining of data centers and other computing facilities and providing for a contract therefor; exempting the Grants and Donations Trust Fund of the Information Commission from the general revenue service charge for the 1994-1995 fiscal year; providing duties of the Comptroller with respect to certain payments to the Information Resource Commission; limiting state agency and governmental branch actions resulting from certain contracts containing provisions for dispute resolution; regarding advanced funds for Department of State; providing severability; providing effective dates, including a retroactive effective date, and expiration dates.

(Substituted for SB 2802 this day.)

By the Committee on Ethics and Elections; and Representative Ascherl and others—

HB 2255—A bill to be entitled An act relating to elections; amending s. 101.5614, F.S.; allowing the election board to deliver the sealed ballot box to a central or regional counting location; providing for determination of the number of voted ballots; providing an effective date.

—was referred to the Committee on Executive Business, Ethics and Elections.

RETURNING MESSAGES ON SENATE BILLS

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has passed with amendment CS for SB 290 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 290—A bill to be entitled An act relating to confidentiality of records of the Department of Corrections; reenacting and amending s. 945.10, F.S.; continuing the exemption of records of the Department of Corrections from public disclosure requirements; specifying department records that are exempt from such disclosure; providing circumstances under which certain records and information may be released to specified persons and agencies; prohibiting the release of an inmate's or offender's medical or mental health records without his written authorization; providing circumstances under which certain records of the department may be released to an inmate or an offender; providing for future legislative review of the exemption from s. 119.07(1), F.S., under the Open Government Sunset Review Act; requiring the department to adopt rules with respect to maintaining the confidentiality of records; providing an effective date.

House Amendment 1—Strike everything after the enacting clause and insert:

Section 1. Notwithstanding the October 1, 1994, repeal specified in section 119.14(3)(a), Florida Statutes, subsections (1) and (2) of section 945.10, Florida Statutes, are reenacted and amended, and subsections (4) and (5) are created to read:

945.10 Confidential information.—

(1) *Except as otherwise provided by law or in this section, the following records and information of the Department of Corrections are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a) of Art. I of the State Constitution:*

(a) *Mental health, medical, or substance abuse records of an inmate or an offender.*

(b) *Preplea, pretrial intervention, presentence or postsentence investigative records.*

(c) *Information regarding a person in the federal witness protection program.*

(d) *Parole Commission records which are confidential or exempt from public disclosure by law.*

(e) *Information which if released would jeopardize a person's safety.*

(f) *Information concerning a victim's statement and identity.*

(g) *The identity of an executioner.*

(h) *Records that are otherwise confidential or exempt from public disclosure by law.*

This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

~~Except as provided below, information in a presentence investigation report made by the Department of Corrections shall be confidential and shall be available only to officers and employees of the court, the Legislature, the Parole Commission, the Department of Health and Rehabilitative Services, the Department of Corrections, and public law enforcement agencies in the performance of a public duty or, with the written permission of the Department of Corrections, to parties establishing legitimate~~

~~research purposes. The Department of Corrections shall promulgate rules and regulations stating what portions of its files, reports, or records are considered confidential and subject to restricted view. The Department of Corrections shall promulgate rules and regulations to prevent the disclosure of confidential information to unauthorized parties, except as provided above. However, nothing in this subsection shall alter other provisions of the law relating to the accessibility of inmate records.~~

(2) The records and information specified in paragraphs (1)(b)-(h) may be released as follows unless expressly prohibited by federal law:

(a) Information specified in paragraphs (1)(b), (d), and (f) to the Office of the Governor, the Legislature, the Parole Commission, the Department of Health and Rehabilitative Services, a private correctional facility or program that operates under a contract, the Department of Legal Affairs, a state attorney, the court, or a law enforcement agency. A request for records or information pursuant to this paragraph need not be in writing.

(b) Information specified in paragraphs (1)(c), (e), and (h) to the Office of the Governor, the Legislature, the Parole Commission, the Department of Health and Rehabilitative Services, a private correctional facility or program that operates under contract, the Department of Legal Affairs, a state attorney, the court, or a law enforcement agency. A request for records or information pursuant to this paragraph must be in writing and a statement provided demonstrating a need for the records or information.

(c) Information specified in paragraph (1)(b) to an attorney representing an inmate under sentence of death, except those portions of the records containing a victim's statement or address, or the statement or address of a relative of the victim. A request for records or information pursuant to this paragraph must be in writing and a statement provided demonstrating a need for the records or information.

(d) Information specified in paragraph (1)(b) to a public defender representing a defendant, except those portions of the records containing a victim's statement or address, or the statement or address of a relative of the victim. A request for records or information pursuant to this paragraph need not be in writing.

(e) Information specified in paragraph (1)(b) to state or local governmental agencies. A request for records or information pursuant to this paragraph must be in writing and a statement provided demonstrating a need for the records or information.

(f) Information specified in paragraph (1)(b) to a person conducting legitimate research. A request for records and information pursuant to this paragraph must be in writing, the person requesting the records or information must sign a confidentiality agreement, and the department must approve the request in writing.

Records and information released under this subsection remain confidential and exempt from the provisions of s. 119.07(1) and s. 24(a) of Art. I of the State Constitution when held by the receiving person or entity. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

~~Due to concerns for institutional security and unreasonable and excessive demands on agency personnel and resources if an inmate has unlimited or routine access to department records, an inmate of an institution, facility, or program of the Department of Corrections may not have access to any information contained in the records department unless a court of competent jurisdiction orders the department to give the inmate access to information in the records. However, the department may permit limited access to information in its records upon his written request, upon demonstration of exceptional circumstances including, but not limited to, safety concerns, and upon demonstration that the requested information is not available from another source. The department shall restrict release of information to any person except members of the news media and those listed in subsection (1) when there is reasonable cause to believe that such person may divulge such information to the inmate. The department shall adopt rules to administer this section.~~

(3) Due to substantial concerns regarding institutional security and unreasonable and excessive demands on personnel and resources if an inmate or an offender has unlimited or routine access to records of the Department of Corrections, an inmate or an offender who is under the jurisdiction of the department may not have unrestricted access to the department's records or to information contained in the department's

records. However, except as to another inmate's or offender's records, the department may permit limited access to its records if an inmate or an offender makes a written request and demonstrates an exceptional need for information contained in the department's records and the information is otherwise unavailable. Exceptional circumstances include, but are not limited to:

(a) The inmate or offender requests documentation to resolve a conflict between the inmate's court documentation and the commitment papers or court orders received by the department regarding the inmate or offender.

(b) The inmate's or offender's release is forthcoming and a prospective employer requests, in writing, documentation of the inmate's or offender's work performance.

(c) The inmate or offender needs information concerning the amount of victim restitution paid during the inmate's or offender's incarceration.

(d) The requested records contain information required to process an application or claim by the inmate or offender with the Internal Revenue Service, the Social Security Administration, the Department of Labor and Employment Security, or any other similar application or claim with a state agency or federal agency.

(e) The inmate or offender wishes to obtain the current address of a relative whose address is in the department's records and the relative has not indicated a desire not to be contacted by the inmate or offender.

(f) Other similar circumstances that do not present a threat to the security, order, or rehabilitative objectives of the correctional system or to any person's safety.

This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

(4) The Department of Corrections shall adopt rules to prevent disclosure of confidential records or information to unauthorized persons.

(5) The Department of Corrections and the Parole Commission shall mutually cooperate with respect to maintaining the confidentiality of records that are exempt from the provisions of s. 119.07(1) and s. 24(a) of Art. I of the State Constitution. ~~The Department of Corrections and the commission shall mutually cooperate for the proper performance of the respective functions of each agency.~~

Section 2. The Legislature finds that it is a public necessity that the department records enumerated in section 945.10(1), Florida Statutes, remain confidential and exempt from public disclosure as envisioned by the existing statute and rules because to provide otherwise would in some cases conflict with other existing law or would reveal information that would jeopardize the safety of the guards, inmates, and others. Thus, the harm from disclosure would outweigh any public benefit derived therefrom. Appropriate records are available, however, to various governmental entities in order for them to perform their duties. Additionally, it is a public necessity that records inmates receive exclude other inmate's records and information that might jeopardize institutional security. It is mandatory that prisons function as effectively, efficiently, and as nonviolently as possible. To release the exempted information to the public or to provide inmates with the information described in section 945.10, Florida Statutes, would severely impede that function and would jeopardize the health and safety of those within and outside the prison system.

Section 3. This act shall take effect on October 1, 1994.

On motion by Senator Beard, the Senate concurred in the House amendment.

CS for SB 290 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39 Nays—None

RETURNING MESSAGES—FINAL ACTION

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has passed SB 672.

John B. Phelps, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Pat Thomas, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments and passed as amended HB 731.

John B. Phelps, Clerk

ROLL CALLS ON SENATE BILLS

SB 46

Yeas—40

Mr. President	Dantzler	Hargrett	Meadows
Bankhead	Diaz-Balart	Holendorf	Myers
Beard	Dudley	Jenne	Scott
Boczar	Dyer	Jennings	Siegel
Brown-Waite	Foley	Johnson	Silver
Burt	Forman	Jones	Sullivan
Casas	Grant	Kirkpatrick	Turner
Childers	Grogan	Kiser	Weinstein
Crenshaw	Gutman	Kurth	Wexler
Crist	Harden	McKay	Williams

Nays—None

CS for CS for SB 68 and CS for SB's 2012, 230, 236, 248, 266, 274, 282, 392, 498, 674, 1306 and 1400

Yeas—40

Mr. President	Dantzler	Hargrett	Meadows
Bankhead	Diaz-Balart	Holendorf	Myers
Beard	Dudley	Jenne	Scott
Boczar	Dyer	Jennings	Siegel
Brown-Waite	Foley	Johnson	Silver
Burt	Forman	Jones	Sullivan
Casas	Grant	Kirkpatrick	Turner
Childers	Grogan	Kiser	Weinstein
Crenshaw	Gutman	Kurth	Wexler
Crist	Harden	McKay	Williams

Nays—None

CS for SB 70

Yeas—39

Mr. President	Dantzler	Hargrett	Myers
Bankhead	Diaz-Balart	Holendorf	Scott
Beard	Dudley	Jenne	Siegel
Boczar	Dyer	Jennings	Silver
Brown-Waite	Foley	Johnson	Sullivan
Burt	Forman	Jones	Turner
Casas	Grant	Kirkpatrick	Weinstein
Childers	Grogan	Kiser	Wexler
Crenshaw	Gutman	Kurth	Williams
Crist	Harden	Meadows	

Nays—None

SB 174

Yeas—39

Bankhead	Diaz-Balart	Holendorf	Myers
Beard	Dudley	Jenne	Scott
Boczar	Dyer	Jennings	Siegel
Brown-Waite	Foley	Johnson	Silver
Burt	Forman	Jones	Sullivan
Casas	Grant	Kirkpatrick	Turner
Childers	Grogan	Kiser	Weinstein
Crenshaw	Gutman	Kurth	Wexler
Crist	Harden	McKay	Williams
Dantzler	Hargrett	Meadows	

Nays—None

CS for SB 290

Yeas—39

Mr. President	Dantzler	Hargrett	Meadows
Bankhead	Diaz-Balart	Holendorf	Myers
Beard	Dudley	Jenne	Scott
Boczar	Dyer	Jennings	Silver
Brown-Waite	Foley	Johnson	Sullivan
Burt	Forman	Jones	Turner
Casas	Grant	Kirkpatrick	Weinstein
Childers	Grogan	Kiser	Wexler
Crenshaw	Gutman	Kurth	Williams
Crist	Harden	McKay	

Nays—None

SB 400

Yeas—39

Mr. President	Dantzler	Hargrett	Myers
Bankhead	Diaz-Balart	Holendorf	Scott
Beard	Dudley	Jenne	Siegel
Boczar	Dyer	Jennings	Silver
Brown-Waite	Foley	Johnson	Sullivan
Burt	Forman	Jones	Turner
Casas	Grant	Kirkpatrick	Weinstein
Childers	Grogan	Kiser	Wexler
Crenshaw	Gutman	Kurth	Williams
Crist	Harden	Meadows	

Nays—None

SB 402

Yeas—39

Mr. President	Dantzler	Hargrett	Myers
Bankhead	Diaz-Balart	Holendorf	Scott
Beard	Dudley	Jenne	Siegel
Boczar	Dyer	Jennings	Silver
Brown-Waite	Foley	Johnson	Sullivan
Burt	Forman	Jones	Turner
Casas	Grant	Kirkpatrick	Weinstein
Childers	Grogan	Kiser	Wexler
Crenshaw	Gutman	Kurth	Williams
Crist	Harden	Meadows	

Nays—None

SB 448

Yeas—40

Mr. President	Dantzler	Hargrett	Meadows
Bankhead	Diaz-Balart	Holendorf	Myers
Beard	Dudley	Jenne	Scott
Boczar	Dyer	Jennings	Siegel
Brown-Waite	Foley	Johnson	Silver
Burt	Forman	Jones	Sullivan
Casas	Grant	Kirkpatrick	Turner
Childers	Grogan	Kiser	Weinstein
Crenshaw	Gutman	Kurth	Wexler
Crist	Harden	McKay	Williams

Nays—None

SB 454

Yeas—39

Mr. President	Dantzler	Hargrett	Myers
Bankhead	Diaz-Balart	Holzendorf	Scott
Beard	Dudley	Jenne	Siegel
Boczar	Dyer	Jennings	Silver
Brown-Waite	Foley	Johnson	Sullivan
Burt	Forman	Jones	Turner
Casas	Grant	Kirkpatrick	Weinstein
Childers	Grogan	Kiser	Wexler
Crenshaw	Gutman	Kurth	Williams
Crist	Harden	Meadows	

Nays—None

SB 620

Yeas—40

Mr. President	Dantzler	Hargrett	Meadows
Bankhead	Diaz-Balart	Holzendorf	Myers
Beard	Dudley	Jenne	Scott
Boczar	Dyer	Jennings	Siegel
Brown-Waite	Foley	Johnson	Silver
Burt	Forman	Jones	Sullivan
Casas	Grant	Kirkpatrick	Turner
Childers	Grogan	Kiser	Weinstein
Crenshaw	Gutman	Kurth	Wexler
Crist	Harden	McKay	Williams

Nays—None

SB 1262

Yeas—39

Mr. President	Dantzler	Hargrett	Myers
Bankhead	Diaz-Balart	Holzendorf	Scott
Beard	Dudley	Jenne	Siegel
Boczar	Dyer	Jennings	Silver
Brown-Waite	Foley	Johnson	Sullivan
Burt	Forman	Jones	Turner
Casas	Grant	Kiser	Weinstein
Childers	Grogan	Kurth	Wexler
Crenshaw	Gutman	McKay	Williams
Crist	Harden	Meadows	

Nays—None

CS for SB 1494

Yeas—37

Bankhead	Diaz-Balart	Jennings	Siegel
Beard	Dyer	Johnson	Silver
Boczar	Foley	Jones	Sullivan
Brown-Waite	Forman	Kirkpatrick	Turner
Burt	Grant	Kiser	Weinstein
Casas	Grogan	Kurth	Wexler
Childers	Gutman	McKay	Williams
Crenshaw	Harden	Meadows	
Crist	Holzendorf	Myers	
Dantzler	Jenne	Scott	

Nays—None

SB 1980

Yeas—39

Mr. President	Dantzler	Hargrett	Myers
Bankhead	Diaz-Balart	Holzendorf	Scott
Beard	Dudley	Jenne	Siegel
Boczar	Dyer	Jennings	Silver
Brown-Waite	Foley	Johnson	Sullivan
Burt	Forman	Jones	Turner
Casas	Grant	Kiser	Weinstein
Childers	Grogan	Kurth	Wexler
Crenshaw	Gutman	McKay	Williams
Crist	Harden	Meadows	

Nays—None

CS for SB 2016

Yeas—40

Mr. President	Dantzler	Hargrett	Meadows
Bankhead	Diaz-Balart	Holzendorf	Myers
Beard	Dudley	Jenne	Scott
Boczar	Dyer	Jennings	Siegel
Brown-Waite	Foley	Johnson	Silver
Burt	Forman	Jones	Sullivan
Casas	Grant	Kirkpatrick	Turner
Childers	Grogan	Kiser	Weinstein
Crenshaw	Gutman	Kurth	Wexler
Crist	Harden	McKay	Williams

Nays—None

ROLL CALLS ON HOUSE BILLS

HB 21

Yeas—40

Mr. President	Dantzler	Hargrett	Meadows
Bankhead	Diaz-Balart	Holzendorf	Myers
Beard	Dudley	Jenne	Scott
Boczar	Dyer	Jennings	Siegel
Brown-Waite	Foley	Johnson	Silver
Burt	Forman	Jones	Sullivan
Casas	Grant	Kirkpatrick	Turner
Childers	Grogan	Kiser	Weinstein
Crenshaw	Gutman	Kurth	Wexler
Crist	Harden	McKay	Williams

Nays—None

HB 2221

Yeas—40

Mr. President	Dantzler	Hargrett	Meadows
Bankhead	Diaz-Balart	Holzendorf	Myers
Beard	Dudley	Jenne	Scott
Boczar	Dyer	Jennings	Siegel
Brown-Waite	Foley	Johnson	Silver
Burt	Forman	Jones	Sullivan
Casas	Grant	Kirkpatrick	Turner
Childers	Grogan	Kiser	Weinstein
Crenshaw	Gutman	Kurth	Wexler
Crist	Harden	McKay	Williams

Nays—None

HB 2223

Yeas—40

Mr. President	Dantzler	Hargrett	Meadows
Bankhead	Diaz-Balart	Holzendorf	Myers
Beard	Dudley	Jenne	Scott
Boczar	Dyer	Jennings	Siegel
Brown-Waite	Foley	Johnson	Silver
Burt	Forman	Jones	Sullivan
Casas	Grant	Kirkpatrick	Turner
Childers	Grogan	Kiser	Weinstein
Crenshaw	Gutman	Kurth	Wexler
Crist	Harden	McKay	Williams

Nays—None

HB 2281

Yeas—40

Mr. President	Dantzler	Hargrett	Meadows
Bankhead	Diaz-Balart	Holzendorf	Myers
Beard	Dudley	Jenne	Scott
Boczar	Dyer	Jennings	Siegel
Brown-Waite	Foley	Johnson	Silver
Burt	Forman	Jones	Sullivan
Casas	Grant	Kirkpatrick	Turner
Childers	Grogan	Kiser	Weinstein
Crenshaw	Gutman	Kurth	Wexler
Crist	Harden	McKay	Williams

Nays—None

ROLL CALLS ON EXECUTIVE BUSINESS**Senate Confirmation of
Executive Appointments**

Yeas—40

Mr. President	Dantzler	Hargrett	Meadows
Bankhead	Diaz-Balart	Holzendorf	Myers
Beard	Dudley	Jenne	Scott
Boczar	Dyer	Jennings	Siegel
Brown-Waite	Foley	Johnson	Silver
Burt	Forman	Jones	Sullivan
Casas	Grant	Kirkpatrick	Turner
Childers	Grogan	Kiser	Weinstein
Crenshaw	Gutman	Kurth	Wexler
Crist	Harden	McKay	Williams

Nays—None

COMMITTEE APPOINTED

The President announced the appointment of Senator Meadows, Chairman; Senators Beard, Childers, Dudley, Kirkpatrick and Kiser to the Collective Bargaining Impasse Hearing Panel.

ENROLLING REPORTS

SB 36, SB 108, SB 298 and CS for SB 424 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on March 4, 1994.

Joe Brown, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 3 was corrected and approved.

CO-SPONSORS

Senator Brown-Waite—SB 82; Senator Harden—SB 630, CS for SB's 1022 and 2404; Senator Forman—CS for SB 1318, CS for SB 1332; Senator Jennings—SB 1512; Senator Dyer—SB 1530; Senator Grogan—CS for SB 2162

Senator Sullivan withdrew as a co-sponsor of SB 2014.

RECESS

On motion by Senator Kirkpatrick, the Senate recessed at 1:08 p.m. for the purpose of holding committee meetings and conducting other Senate business until 9:00 a.m., Wednesday, March 16.

SENATE PAGES

March 7-11

Dardie B. Bolin, Lawtey; Lucia A. Coleman, Niceville; Carrie E. DiMuzio, Port Charlotte; Alison Frank, Nokomis; Steven S. Garfinkle, Hollywood; Derek R. Grant, Tallahassee; Kelly Harris, Tallahassee; E. Kyle Hayes, Miami; William Loznicka, Jacksonville; Erik Leavell, Palm Beach Gardens; Estella Parrotte, St. Petersburg; Kimberly G. Presnell, Quincy; Peter Schorsch, St. Petersburg; Lynsley S. Smith, Quincy; Celeste Thompson, DeFuniak Springs; Christina L. Tooke, DeFuniak Springs